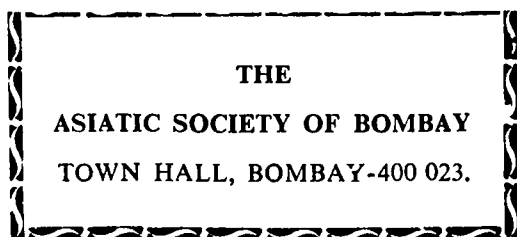


320.95482
mad / let
143217



00143217



LETTERS,

... dangerous, a state of most corrupt and degenerate
... to be treated as a common place and correct, or to treat the errors of
... which involved the interests of nations, with the same found-
... human frailty, which at times, in the exercise of charity,
... the more venial indiscretions that only hurt one
... commonly the wrong done himself. — *Ann. Rev. No. 13a.*

LETTERS

ISSUED FROM THE

GOVERNMENT OF CANADA,

RELATIVE TO THE

DISTURBANCES IN CANADA,

IN APRIL, 1857.

WITH SOME EXPLANATORY NOTES,

TO WHICH IS PREFIXED

A LETTER

TO THE HONORABLE THE CHIEF OF DIRECTOR

OF THE

EAST INDIA COMPANY

F. C. BROWN, Esq.

OF CALCUTTA.

PRINTED BY H. M. JOHNSON, STATIONER,
AND PRINTER, 15, N. B. STREET, LONDON.

LONDON,

BY H. M. JOHNSON, STATIONER,

AND PRINTER, 15, N. B. STREET, LONDON.

1857.

143217

320.95482.

Mad / let

143217



00143217

most 500 persons, late the subjects of the Rajah of Coorg, and armed, some few with matchlocks, the rest with sticks and bill-hooks, collected together at Pootoor, a place situated in the Jungle at some distance from Mangalore, the Capital of the Province of Canara :

(2) That the principal Collector of the Province, accompanied by a party of 150 Sepoys, marched to the spot, and here took possession of a house (the travellers' bungalow) :

(3) That the party retreated from this position to Mangalore, in the middle of the night ; there being at Pootoor a Pagoda perfectly defensible, supplied with water, and at the same stered with a sufficiency of grain :

(4) That the party arrived at Mangalore on the 3rd of April :

(5) That on the morning of the 4th of April, "a consultation was held" by all the European functionaries, Civil and Military ; at which consultation "the unanimous opinion" arrived at was, that "the proper mode of proceeding" was that "the Servants of the Government," (meaning thereby the European servants, Civil and Military,) "for the preservation of their lives, the Sepoys, their families, and the treasure in the place should," the whole, "be put on board boats," and setting sail, "abandon the place," and the Provinces of Canara, "and proceed to Calicut," eighty miles distant, the Military Head Quarters of the two maritime frontier Provinces of Canara and Malabar :

(6) That "the attempt" to carry this "unanimous" resolution into effect, was then made ; and the Servants of the Government, the Sepoys, their families, and the Treasure marched down to the beach for immediate embarkation ; about thirty-six hours before a single man of the mob of rioters at Pootoor appeared, or "before an attack was made."

(7) That "the attempt failed, owing to the want of boats in sufficient numbers," to carry away the families of the Sepoys, who expressed their disgust at being ordered to

abandon the place, and who almost broke out into open mutiny, when it appeared that they were required to embark, and desert a part of their wives and families :

(8) That the wives and children of all "the Servants of the Government" were sent off by sea to Tellicherry and Cannanore :

(9) That, nevertheless, "there was no appearance of the rebels coming down upon the town, before about One, viz., on the 5th of April:"

(10) That such was the terror, such the panic, such the total anarchy, which reigned at Mangalore, the Capital of the Province of Canara, the seat of the Government, and of the European Courts of Justice, that, "for the three days previous, nearly the whole of the Judges' and Collectors' establishments had quitted Mangalore, and the duties of every department had ceased to be performed:"

(11) That this dissolution of all Government, this end of all legal authority and subordination, this utter want of all protection to life and person, and of all security to property, drove to flight all those of the inhabitants of Mangalore and their families, who could fly :

(12) That this general flight, the unparalleled occurrence,—that the greater part of the inhabitants had left Mangalore,—it was, which was insisted on as the first and chief reason, at the "consultation" held on the 4th of April, in support of the "unanimous" resolution then taken by "the Servants of the Government," of abandoning the place, and leaving the rest of the inhabitants, who could not fly, to the mercy of "the insurgents, who were reported to be assembled in number about 10 or 12,000, and determined to take Mangalore:"

(13) That all these occurrences, all these resolutions, all these attempts, and all these scenes, were *officially*, and in the very words here quoted, reported to the Governor and Council of Madras by the Zillah and Criminal Judge of Canara, "the hour" that he, having "favorably treated

a safe embarkation on the ship *Eamont* on the 5th of April, arrived at Cannanore on the 6th, in company with "the Assistant Judge of the Adawlut," of whom he jointly speaks as the corroborator of his narrative:

(14) That the Criminal Judge further reported, supported by another evidence, whose testimony he forwarded and refers to, that he beheld "the simultaneous ignition of several parts of the town," heard "the blowing up of the Magazine," and feared that all had been massacred;" "intelligence of the most disastrous nature," and likely to "be attended with a vast loss of life, both to the civil and military departments of the Government," which the Judge regretted "to have to notify for the information of the Right Honourable the Governor in Council," as well as "to the Commandant of the District, with the least practicable delay."

(15) That, the reverse of all this intelligence, the result proved, that not a hair of the head of one of "the servants of the Government" was touched, nor hardly a native life lost, nor the Magazine approached, during the two attacks of Mangalore, on the 5th and 7th of April; that native eye-witnesses of the attacks declared and wrote privately to their relatives, that "the rebels" fled and dispersed in all directions at the very first discharge from the Sepoys, who overtook and slaughtered them in great numbers, while an English eye-witness, a gallant, devoted officer, likened the affairs to boys capturing bees' nests:

(16) That the official dispatch of the Criminal Judge from Cannanore reached the Governor in Council on or before the 12th April, and the official dispatch from Mangalore of the 10th, reporting the utter defeat, and discomfiture, and dispersion, and great slaughter of "the rebels," reached him on or before the 10th, accompanied by the return of the casualties sustained by the troops in repelling the rebels, which casualties were declared to be, *Sepoys* 1222, three wounded, one since dead.

(17) That this return, compared and contrasted with the narrative and the details given by the Criminal Judge, or with whatever else of a similar character might be written and reported on the same occasion, sufficed to disclose at a glance to the Governor in Council, as it revealed to all other men, the kind of enemies and assailants the troops had encountered :

(18) That with the official knowledge of all those plain, legible facts, and of all the previous occurrences before him, and with the responsibility of being required to know, that Mangalore is distant only eighty miles (at that season twelve hours' sail) from Cannanore, the head-quarters of one complete European, and of two Native regiments; of being required to know, that a body of these troops could have been transported by sea in row-boats, and landed at Mangalore, fresh with their arms and ammunition, in the space of thirty or thirty-six hours; the Governor in Council of Madras, on the 9th of May, many days after, published in the Gazette a General Order, in which, with "much satisfaction," he recorded "his approbation of the persevering gallantry with which the defence of Mangalore was maintained against repeated assaults by superior numbers, and *in the uncertainty of being reinforced or relieved*," — "and directs that the favourable sentiments with which the Government are impressed, by their steady and soldier-like conduct, throughout service of so harassing a nature, may be made known to the officers and men of the — regiment N. I.:"

(19) That the Governor in Council proclaimed martial law in several of the districts (counties) of *Canara Proper*; while the official report of the Judge stated to him, that the persons who had suddenly risen were "members of the *inhabitants of the Coorg country*," who had "taken possession of the treasure;" and that their further overt acts were "to place their seals, together with our own, on our *High Court Churches and Treasuries*, and offer service to the *Patels (village headmen)* and servants:"

(20) That this information conveyed at the outset strong presumptive proof, that it was not the inhabitants of Canara who either previously knew of, or who voluntarily took part, in the disturbance; even if the presumption had not been converted into undoubted fact, by the immediate flight of great numbers of the respectable inhabitants with their families to all the coast-towns of Malabar, by the complaints of desertion and the appeals for protection, wholly neglected, which others of the chief inhabitants addressed to Mangalore, and by the urgent petitions for aid, which others among them dispatched to Tellicherry to the Judges of the Provincial Court for the Western Division.*

(21) That martial law being thus proclaimed, the regiment of infantry, which garrisoned Mangalore, which had attempted to abandon the place, and "failed for want of boats," and had received in General Orders the thanks of the Governor in Council for its "conduct throughout service of so harassing a nature,"—this regiment was employed and detached in enforcing martial law in the proclaimed counties, in sending as prisoners to Mangalore such of the inhabitants as they seized, there to be tried by a Court Martial, assembled by order of the Governor in Council, the

Immediately the disturbances broke out, the principal inhabitants of South Canara dispatched messengers after messengers with petitions to Cannanore and Tellicherry, urging that means might be taken to quell it, and protect them. Four miles from Cannanore there is an inland back-water extending to within about forty miles of Mangalore: too Nipoyas dispatched at that time, and led as Madras Nipoyas are accustomed to be led, would in twelve hours have cleared the coast-road, and ended the whole affair. But there was no Magistrate on the spot with authority to move troops. The Collector of Malabar, the nearest Magistrate having the authority, was left alone in his Province: he could not be in every part of it, and he was then in a distant one. He posted an officer as soon as he possibly could; but the time was passed, and the danger in Canara then irretrievable. This is the internal Government, so far as it is concerned, and declined, and supposed to be strong. Strong it was, strength of ability, with its wisdom and temper.

President of which Court Martial was the Officer, who commanded at Mangalore, and marched down his men to the beach for embarkation on the 4th of April, the interpreter of the Court being likewise an officer of the same corps."

(22) That the Governor in Council,—in a case, and on an occasion, the extreme necessity of which rested, as far as the inhabitants of Canara Proper were cognizant of, or implicated in, any riot or disturbance, upon the occurrence officially related, and upon the testimony officially given to him,—delegated to, and vested the power of confirming, and of carrying, without reference to Madras, into immediate execution the capital sentences passed upon the prisoners by the Court Martial, in the hands of the Officer commanding the Provinces of Malabar and Canara,—an officer an entire stranger to the people, and generally to the country: the Governor in Council grounding the act of delegation upon the following Regulation of the Government of Madras, which is here quoted at length, in order that your Honourable Court and the people of England may learn and dwell upon the kind of offence, which, in the deliberate judgment of the Governor in Council of Madras, was deemed and declared to be treason and rebellion within the Regulation, and to be deserving, in the persons above described, seized, and convicted before the Court Martial, "*of the immediate punishment of death, by being hanged by the neck till dead;*" and of the forfeiture "*to the British Government of all property and effects, real and personal.*"

To remove this argument at once, all that was required was to have it relieved, if necessary by detachments from Cannanore. It was kept spread over Canara, and was not put in orders to leave the Province until the 19th December, 1847, a date which the subsequent proceedings render it necessary particularly to notice.

P. A. D. 1805. Regulation VII.

"Whereas during wars in which the British Government has been engaged against the native Powers of India, certain persons owing allegiance to the British Government have borne arms in open hostility to the authority of the same, and have abetted and aided the

(23.) That, in conformity to the last section of the Regulation, the next measure of the Governor in Council was, to appoint a Special Court, or Commission, consisting of two

enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government; and whereas it may be expedient that, during the existence of any war in which the British Government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the Government, in any part of the British territories subject to the Government of the Presidency of Fort St. George, the Governor in Council shall declare and establish Martial Law, within any part of the territories aforesaid, for the safety of the British possessions, and for the security of the lives and property of the inhabitants thereof; by the immediate punishment of persons owing allegiance to the British Government, who may be taken in arms, in open hostility to the said Government, or in the actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British Government, within any part of the territories above specified; the following regulation has been enacted by the Governor in Council to be in force throughout the British territories, immediately subject to the Government of the Presidency of Fort St. George, from the 1st day of October, 1803.

II. The Governor in Council is hereby declared to be empowered to establish Martial Law, within the territories subject to the Government of the Presidency of Fort St. George, for any period of time, while the British Government in India shall be engaged in war with any native or other power, as well as during the existence of open rebellion against the authority of the Government in any part of the territories aforesaid, and also to direct the immediate trial, by Courts Martial, of all persons, owing allegiance to the British Government, either in consequence of their having been born, or their having served under it in any capacity, or of their being resident within its territories, and under its protection, who shall be taken in arms in open hostility to the British Government, or in the act of opposing, by force of arms, the authority of the same, or in the actual commission of any overt act of rebellion against the State, or in the act of conspiring with, or of openly aiding and abetting, the enemies of the British Government, within any part of the said territories.

III. It is hereby further declared, that any person born or residing under the protection of the British Government, within the territories aforesaid, and consequently owing allegiance to the said Government,

Judges, who were deputed from Tellicherry to Mangalore, to try the prisoners spared by martial law:

(24) That, after the principal Collector and Magistrate of Canara had reported (at Cannanore) that he could not answer for the safety of the persons of those Judges on their journey through his Province, where martial law was being enforced, the Judges had personal, ocular demonstration at every stage of their progress, from the Rajahs and other inhabitants who came to them in mass, that, so far from there being any spirit of turbulence or disaffection existing, the inhabitants appealed to them, and exclaimed in the strongest manner against the end and withdrawal of all government over them, and at their persons, their families, and their properties being left exposed defenceless, to the attacks of the first band of robbers who should choose to plunder and murder them:

(24) That, arrived at Mangalore (3rd May) the Judges knew not, nor could learn from the officer (a Bombay officer, an entire stranger,) to whom they were officially referred for the information, what prisoners they were to try:

who, in violation of the obligation of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof by the sentence of a Court Martial, during the establishment of Martial Law, shall be liable to immediate punishment of death; and shall suffer the same accordingly, by being hanged by the neck until he is dead. All persons who shall, in such cases, be adjudged by a Court Martial to be guilty of any of the crimes specified in this regulation, shall also forfeit to the British Government all property and effects, real and personal, which they shall have possessed within its territories, at the time when the crime of which they may be convicted shall have been committed.

IV. The Governor in Council shall not be precluded by this regulation from causing persons charged with any of the offences described in the present regulation to be brought to trial, at any time, before the ordinary Courts of Judicature, or before any special Court appointed for the trial of such offences; under Regulation XX, 1804, instead of causing such persons to be tried by Court Martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

(25) That the functionaries who, according to Regulation (20 of 1802) were enjoined to assist in expediting the trial of the persons charged with crimes against the state, were the Principal Collector and Magistrate, and his Assistants at Mangalore, every one of whom was present at, or a party to, the resolution taken and attempted, on the 4th of April, of abandoning the place :

(26) That these functionaries, all of whom, as well as every other European functionary, Civil and Military, parties to the same resolution were, without exception, maintained in office and authority at Mangalore, were also the sole civil functionaries who, by virtue of their Magisterial powers, were actively engaged in detecting, seizing, committing, and arraigning capitally, all persons accused of participation, overt or covert, in the disturbances; being aided in this duty by the Native Officers of Revenue and Police employed under them, many of whom were declared to have altogether disappeared for three days previous to the attacks :

(27) That in order to forward and facilitate the conviction of the persons so seized and so accused, the Governor in Council delegated to the Principal Collector and Magistrate, individually, the power of pardoning any persons, whose evidence he might require for this end, qualifying this delegation, *in violation of all Regulation*, with the observation, "that the Government put the most implicit trust in his exercising the power with the soundest discretion."

(28) That the Principal Collector and Magistrate issued a proclamation, which the Governor in Council has never either disavowed, or disallowed, putting the price of 10,000 rupees upon the head of Apparampāra, and 5,000 rupees upon the head of Kallianappa, two persons therein described as the rebel leaders; the positive, undisputed fact being, that Apparampāra was at the time, and for months previous, a prisoner in jail at Trichinopoly, and Kallianappa

a prisoner in jail at Bangalore, both hundreds of miles away from the disturbance :

(29) That Devappah, the head native functionary under the Collector and Magistrate, and who, with others, was made prisoner at Pootoor, declared, on his liberation by the Coorgs and arrival at Mangalore in the end of April, that the rioters had not more than 200 stand of fire-arms among them :

(30) That the prisoners had previously declared the same thing, and declared that they had no intention of approaching Mangalore, until news was brought to them, that the Europeans and troops had deserted the town, leaving behind the treasure which the inhabitants would not suffer to be taken away :

(31) That, at length, on the 31st May, feeling it in my own case impossible to remain longer silent under the reproaches of my conscience, which accused me ; seeing all that I had seen of the panic in Malabar, knowing what I knew of the real events in Canara, hearing what I heard of them from all around me, and hearing of the number of persons that were being publicly executed ; of being privy to the deaths of the greater number who were dying in jail at Mangalore, all without another human being than myself to undertake their cause, or say one word, *not* in their defence, but in revelation of the real facts of the case ; being further made privy to the nameless horrors, to which their homes and families were delivered up ;^{*} at length, I ad-

* Let any man read the following extract of a letter :—

Mangalore, 9th May, 1837.

"——'s detachment appears to be the acting one, ——'s the looting (plundering). The Bombay officers (including those of H.M. 6th, who returned yesterday) cry 'shame, shame' I hear. On the 11th the hanging will commence, I presume. The ravishing is said to have been executed by ——'s detachment already. The people fly whenever it approaches their villages. The people *here* were in great alarm yesterday, having heard of the performances in the Mofussil (the inland country), and believed that the town was to be given up for three days' loot (sack and plunder) from to-day !"

dressed the Governor in Council, supplicating for mercy for the rest of these ignorant, unfortunate, misguided creatures; showing, from the private, familiar testimony of a native to his own family circle, that they were, from the beginning, a mere mob; imploring, *not that he would credit me*, but that he would grant a brief space for enquiry and investigation, and suspend his belief in their guilt or innocence, until he read their trials, and heard the judgment upon the events, which impartial, unbiassed men of rank and character, deputed to the spot, should pronounce:

(If writing, as I believed I was writing, under the seal of confidence which, from a British subject, a landholder, and a Justice of the Peace, in my situation, it will, I think, be held, that it was no less the interest of the Governor in Council to encourage, than it was his duty to respect, the feelings which overwhelmed me labouring for utterance, betrayed me into an undue warmth of expression, not warranted by the necessity, the urgency, or the fearful magnitude of the occasion, or that was calculated to wound the feelings of the functionaries, of whom, and of whose conduct, it was my duty to speak, in a degree beyond what the plain, undisguised narrative of harrowing, yet indisputable occurrences, which men would give a thousand after-lives to each, must ever wound; or if, having for my object to arouse and, if possible, to arrest the Government in its career of spreading universal hatred and abhorrence of the British name, it shall be thought, that eternal, impartial truth could have suffered me to stop short in what I wrote to attain that object, even if the hazard were the severing for ever of the ties of long, inviolable, friendships cemented in other climes, and of ending the hitherto unbroken relations of private life with others around me; if this be my error or my crime, I shall lament it, and join in its condemnation.)

(22) That the next step taken by the Governor in Council, at the lapse of more than five months after the official

report of the Criminal Judge had been before him, was, to appoint a Commission, consisting of a Military and of a Civil Member, the latter a Member of the Board of Revenue, "to inquire" (in the words of the Gazette, 16th Sep., 1837) "into the causes of the late insurrection in Canara, &c.:"

(33) That in a month (20th Oct.) the Military Member, Major-General Vigoureux, was relieved from the Commission for the reason that his Regiment, H.M. 45th, was under orders, as it was when he was appointed, for embarkation to England from Madras; and was succeeded by Major General Fearon, C.B., Deputy-Adjutant-General to H.M.'s forces, who again, on the 1st December, "was permitted, in consequence of certified ill-health, to relinquish the appointment of Commissioner:"

(34) That no Military Member replaced General Fearon; and that four days after his resignation, on the 5th Dec., the Civil Member likewise appeared in the Gazette, as permitted to proceed to sea for eighteen months on medical certificate, none of the Members having to that time proceeded further than Bangalore:

(35) That after the Commission was announced,—after it was known that the appointment of the Commission ascribed to my letters to Madras and Bengal was a subject of annoyance to certain of the authorities at Mangalore,—and after those authorities had had private, secret possession of one of my letters to the Governor in Council of Madras, for three months, a respectable Native of Mangalore declared to me and to other persons at Tellicherry, referring to and producing a Native Officer of Canara to corroborate the truth of what he said, that he saw with his own eyes, and heard with his own ears, the town-crier go about the town with a Proclamation, prohibiting the inhabitants from even speaking of the scenes and events they had witnessed, and been made the innocent victims of, under pain of being immediately seized, and sent to jail:

(36) Lastly, that such was the monstrous distortion, such the unpardonable exaggeration, with which the riots in Canara were coloured and industriously reported, far and near, that the Natives of the adjoining Province of Malabar were alarmed and convulsed, for a season, and in a manner beyond belief; a season, which the Collector of the Province, on the spot, and in the midst, has designated as "a trying time," to all who witnessed it, and had a stake in the country, or who felt any anxiety for the maintenance of public tranquillity, or for the continuance and stability of the British rule.

4. Such, however numerous, their cumulative weight residing still more in their gravity and importance than in their number, are the leading and strikingly prominent features of the case, which I did myself the honour of laying before your Honourable Court, on the 2nd of last July.

5. A cursory perusal of the letters would, I conceived, show, that the evidence upon which rest by far the greater number of the facts and occurrences related, are indisputable official reports and records, transmitted to the Governor in Council of Madras; and that the proof of the remainder is of that direct, connected, and presumptively credible nature, as would secure its reception and immediate consideration in any ordinary case, demanding enquiry, *a fortiori* in so unexampled a case as the present; wherein the suppliant is not the humble individual who addresses you, but in which the real suppliants, for hearing and for redress, are a million and a half of Natives, the subjects of one of your Madras Provinces, and through them, the whole body at large of the Natives of your Indian Empire; in bringing whom before the eyes of your Honourable Court, the more visibly because they are unseen, let me be suffered to say, with every sentiment of respect, that the Creator has seen fit, and has been pleased, to endow them likewise with reason, to gift them with speech, and

to possess them with human feelings. Hence the hope felt, that your Honourable Court would take, on the occasion, some public, decisive steps in the briefest space required for deliberation and due preparation.

6. Presumptuous indeed would it have been, to call it by no harsher name, if so humble a person as the writer had suffered any suggestion to emanate from himself; if, losing sight of the deference and consideration due to your Honourable Court, I had not strictly confined myself, at that stage, to a simple exhibition and illustration of the official correspondence, which took place before I left India. There are occasions, when the path which justice and patriotism, which public duty and private honor dictate, is so plainly and imperiously pointed out, that to hint at that path, to men possessed of high-mindedness and self-respect, is justly held and received in the light of the most inexpiable of insults.

7. The strict and unbroken silence, however, of so many months, which your Honourable Court has preserved towards me, notwithstanding a written and a verbal offer to furnish any other information in my power, leads me greatly to fear, that it is not the facts adduced, nor the evidence alleged, which are so much open to doubt and suspicion, as the channel through which the one and the other have been brought before you; and that the distrust, the dislike, the discredit, and the discountenance with which your Honourable Court were once wont to receive and treat all communications relative to India and its silent millions, from persons whose lot it is not to be in your service, is regarded as an all-sufficient reason why the present case, coming from one of these persons, should likewise be passed over *sub silentio*.

8. If this fear should, unhappily, be well-grounded, if what I am most averse to think, the ancient animosity felt towards these alien Englishmen, gaining strength from years, prove at heart indestructible, I shall most deeply lament it;

not so much from the personal disgrace afflicting them and myself, for—

“Suffering is the badge of all our tribe;”

as from this feeling being at the present time a great public calamity, certain of producing very evil effects upon the minds of the people of India, as well as fatal and most pernicious consequences both upon the commercial and upon the political interests of the Empire at large.

9. But finding it impossible to believe in the existence of such a feeling,—believing rather, that the judgment of your Honourable Court, however anxious to decide and act, remains in suspense, from some broken, imperfect link, requiring to be joined and connected, in order to render entire, continuous, and complete the chain of evidence illustrating the conduct held by the Government of Madras, throughout the present occasion, *ab ovo usque ad mala*; it becomes my duty, after this considerable pause, to supply the apparent want to the best of my ability, by producing some further testimony, all likewise official, in support of what has been advanced; testimony which, independent of its extrinsic and intrinsic authority, impartiality may, perhaps, be disposed to think entitled to be received with some additional confidence, when it is stated, as it can be proved, that the existence of this testimony was unknown to me in July, when I did myself the honour of addressing your Secretary.

10. I proceed with the detail. The Special Judicial Commission, already mentioned, which was ordered to proceed to Mangalore, and immediately commence the *civil* trial of the prisoners, arrived there in obedience to this order on the 3rd of May, 1837. In addition to this special duty devolved upon both, the senior of the two Judges was charged with the further duty of the ordinary Circuit, and directed to proceed with the half-yearly sessions and jail-delivery of the province of Canara, in substitution

of his immediate senior, the first Judge of Tellicherry, to whom this duty properly and in turn belonged.

11. Part of the oath taken by a Judge of Circuit is, (Regulation 7th of 1802, sect. 5.) "that he will truly and faithfully execute the duties of Judge—that he will administer justice *according to the Regulations that have been, or may be, enacted by the Governor in Council, to the best of his ability, knowledge, and judgment, without FEAR, FAVOR, promise, or hope of reward.*" He is enjoined by the same Regulation (sec. 32) "to visit the jails on every Circuit." The Judges of a Special Court or Commission are enjoined to "proceed like Courts of Circuit;" and they are emphatically ordered, to "*exercise all the powers and authorities, vested in the Courts of Circuit by the Regulations.*" (Reg. 20, of 1802, sect. 3.)

12. In obedience to this solemn oath, and to these express Regulations; not to quote the orders of his immediate superiors, the Court of Fonjdaree Udalut, alike binding and imperative upon him; the Circuit Judge of the Commission proceeded, on the 26th May, some weeks after his arrival at Mangalore, to visit the jail, when, as he afterwards officially reported, "verbal complaints of unjust arrest were made to him," by many among the prisoners with whom the jail was crowded; but the Judge did not deem it "necessary to call for explanation" at that time, for the reason that "the number in confinement afforded reasonable ground for conclusion, that even a *slight* enquiry, to warrant detention, could *hardly* have been held in all cases, though, even by that time, much, he conceived, might have been done."

13. At the lapse of some more weeks, on the 16th or 17th June, the Circuit Judge conceived it his duty again to visit the jail. Again was he beset and overwhelmed with the same complaints as on his first visit. He states, that, "a boy only ten or eleven years of age, *the son of a prisoner*, had been in confinement nearly four months"—that,

"another, a youth, was actually sent (for trial) before the Special Commission, without ever having been confronted with an accuser, and no one would, or *ever did*, accuse him"—that "four Madras Coolies, who brought (and it must be concluded, delivered) Stationery for the public offices, were confined without the slightest ground for suspicion." The Judge also found, "that the Magistrate had a large body of men under a Military guard, independent of 237 found in the regular jail of the Zillah, who may have NO FRIENDS, OR OTHER MEANS, to bring the hardship of their cases to *his* notice, and *consequently* before the higher authorities"—that "he further had heard of most distressing cases of ^{of} despondency, which may naturally be expected, when there are such frequent instances of persons being led out for execution:" (meaning by this observation, as I am persuaded the Judge did mean, that the prisoners in jail were either dying of, or putting an end to their existence from, utter despair at the hopelessness of their fate and treatment.)

14. For all these paramount reasons, from the surmise grounded, as the Circuit Judge stated, "on uncontroverted fact, that the innocent might be suffering," and "that *amid so much confusion*, innocent persons may have been arrested;" for the reason, that nearly three months had elapsed since the suppression of the outbreak; seeing "that the Magistrate, Joint Magistrate, and two Assistants had all been at the station for a considerable time;"—having reason "to believe that he (the Magistrate) had not made due progress in ascertaining whether there was *even slight* ground for detaining each person whom he had in custody;" believing that "the Regulations, as well as the first principles of justice, obviously require, that the Magistrate should lose no time in making a list of all persons in his custody, or confined under his orders, showing the date of apprehension, and the cause:" for all these solemn and paramount reasons, the Circuit Judge, conceiving that the time for

his interference had imperatively arrived, yet disclaiming all "wish to embarrass the Magistrate, or to interfere unnecessarily with the execution of his duty," addressed one requisition, then another (17th and 20th of June), to the Magistrate; the first simply calling for "a list of all prisoners who have not been brought to trial, the date of apprehension, and grounds for detention, according to a form;" the second, for the particulars of the case of a prisoner named, *a Native of Mysoor*, whose brother complained to the Judge in open court, that he had presented *two fruitless* petitions to the Magistrate.

15. A correspondence ensued between the Circuit Judge and the Magistrate, which ended in the Magistrate refusing compliance with one requisition or the other, and in his appealing *direct* to the Governor in Council; before whom the whole correspondence was likewise brought by the Fonjdaree Udalut, the superiors of the Judge, accompanied by a running commentary to which it is wholly superfluous to direct attention, exhibiting, as it does, a state of government, a state of law, and a state of criminal justice, without a parallel in any country believed to have a government, to have laws, and to have courts of justice.*

* Extract from the proceedings of the Fonjdaree Udalut, under date the 3d July, 1837:—

Read letters, dated respectively the 23d and 24th ultimo, from the 2d Judge on Circuit in the Western Division, submitting copy of a correspondence with the Magistrate of Canara respecting the number of persons under his custody, charged with the commission of crimes against the State, and adverting to the style and tenor of the Magistrate's replies, and to his "disposition" to evade compliance with the requisitions of his "precepts," requesting that the Court of Fonjdaree Udalut will "obtain" for him "their support of" his "authority," and "the enforcement of the subordination which the Regulations prescribe."

1. The cause of the 2d Judge first addressing the Magistrate, on the subject of the number of prisoners in his custody, charged with crimes against the State, is stated in his letter of the 17th June, 1837, to have been to "enable him to communicate to the Court of Fonjdaree Udalut,

16. Immediately on the receipt of the Appeal from the Magistrate, the Governor in Council, situated nearly five hundred miles away from the place where all these scenes,

on the subject of the duties required of" him; and he accordingly requested to be informed of the number of prisoners in his custody, who were likely to be brought before the Special Commission.

2. In reply, the Magistrate* informed the 2d Judge, that he had not been able to make all the inquiry necessary to a due answer to the question, but that he had fifteen cases then ready for the Special Commission, and that he conceived at least thirty more would come before it.

3. The 2d Judge on Circuit, considering this information insufficient for the purposes for which he required it, pointed out to the Magistrate, in a letter, dated the 19th of the same month, that he wished to be informed of *the number of prisoners likely* to be brought before the Special Commission, and begged he would do him "the favour to say how many" he had in custody, and give even a rough estimate "of the number likely to be brought to trial."

4. The Magistrate replied, in the course of the same day, that he was unable to answer the question "with even an approximation to correctness;" that the number of prisoners to be brought before the Special Commission would "depend on a variety of circumstances which" he could not at that "time embrace;" that the various shades of guilt "in each case must be considered," also "whether the case be" for a Court Martial or the Special Commission," and that "these questions" involved "a sifting of evidence," for which there had "not as yet been sufficient time."

5. Upon receipt of this letter,† the 2d Judge on Circuit issued a Precept to the Magistrate, pointing out "that the Regulations, as well as the first principles of justice, obviously required, that the Magistrate should lose no time in making a list of all persons in his custody, or confined under his orders, shewing the date of apprehension, and the cause of it," as it was "very possible that, amid so much confusion, innocent persons" had "been arrested,"—that on the 2d Judge "visiting the jail on the 26th" of the previous month (May), "verbal complaints of unjust arrest" had been "made to him," but that he had not deemed "it necessary to call for explanation *then*," as the number in confinement afforded reasonable ground for conclusion, that even a slight inquiry to warrant detention could hardly have been held in all cases, though even

* Magistrate's letter, dated 19th June, 1837.

† Vide Pro. of the Court of Circuit of the 20th June, 1837.

all these sufferings, all these executions, all these distressing cases of despondency, were daily occurring before the eyes by that time "much might have been done;" that "such reason for non-interference no longer" existed,—and that he could "foresee no difficulty as to making sufficient inquiry to ascertain whether *any* have been groundlessly seized, (a measure of obvious duty, as some had been taken so far back as 6th of April), since the Magistrate, Joint-magistrate, and two Assistants," had "all been at the station for a considerable time,"—that, therefore, he had resolved, "with reference to a petition from one Patia Shetty" complaining "of the unjust detention of his brother, Padma Shetty, an inhabitant of Mysore," to require the Magistrate to "submit a list of all prisoners" then "in confinement, who had not been brought to trial, the dates of apprehension, and grounds for detention," "in order that the Judge on Circuit may be enabled to call for any further explanation, or to make a representation to higher authority."

6. The 2d Judge on Circuit, at the same time, observed, that he "would not wish to embarrass the Magistrate, or to interfere unnecessarily with the execution of his duty; but as he was aware that the Magistrate had a large body of men under a military guard, independently of 237 whom he found in the regular jail of the Zillah, who may have no friends, or other means, to bring the hardship of their cases to his notice, and, consequently, before the higher authorities; and as further he had heard of most distressing cases of despondency (which "might naturally be expected when there" were "such frequent instances of persons being led out for execution") he considered it "an urgent duty to call for such statement without further delay."

7. Instead of conforming to the instructions contained in this precept, or shewing cause for not doing so, the Magistrate, in his return of the 22d ultimo, merely acknowledged its receipt, stating that he had wished "to avoid collision with the Circuit Judge, but finding this almost incompatible with his requisitions, he had determined to apply for the orders of the Government."

8. The Court of Fonjdaree Udalut cannot but consider such a return, addressed to a superior officer, as highly insubordinate. If the Magistrate objected to furnish the information required by the Judge of Circuit, he should have stated the grounds of such objection, and awaited the further instructions of the superior Court, and in the event of the final orders being, in his opinion, contrary to the Regulations, it would have been open to him, to have requested a reference to yet higher authority.

9. At the same time the Judges must observe, that they consider the proceedings of the 2d Judge, of the 20th June, 1837, open to objection,

of the Natives, all of whom were hourly exposed, in addition, to the extreme rigours and terrors of Martial law ;

inasmuch as the reference made to the Magistrate respecting *all* prisoners in his custody, involved a call for information respecting prisoners liable to be tried by *Martial Law*, over whom the 2d Judge could exercise no jurisdiction; and with reference to the state of the District, the press of business, and the difficulties surrounding the Magistrate, the call for *any* information on the subject was, perhaps, inopportune.

10. The Court of Fonjdaree Udalut, however, give full credit to the 2d Judge's assertion, that humane and public motives alone dictated his interference.

11. With respect to the return made by the Magistrate, under date the 24th ultimo, to the precept issued by the Judge on Circuit of the same date, calling for information in respect to the confinement of Pud-maya Shetty, the Court of Fonjdaree Udalut have only to observe, that if the Magistrate had confined himself to the explanation afforded in paragraph 2 of his return, there could have been no cause of objection; but to proceed to "caution" the 2d Judge, in the style and tone adopted in the 3d and 4th paragraphs of his return, is an instance of disrespect and contempt of superior authority which, in the opinion of the Fonjdaree Udalut, deserves severe reprehension.

12. The Governor in Council having called upon the Magistrate to furnish the information in respect to the number of prisoners in confinement, charged with crimes against the State, and the nature of the evidence against them, which it was the object of the precepts issued by the 2d Judge to obtain, the matter is, of course, taken out of the hands of the 2d Judge; but the Court of Fonjdaree Udalut deem it necessary to submit the correspondence for the consideration and orders of the Governor in Council, as the Judges feel persuaded, that, unless such *repeated instances* of insubordination on the part of the Magistrate be speedily checked, serious interruption to important business will be the consequence.

Ordered, that extracts from these proceedings, together with the original correspondence referred to above, be forwarded to the Chief Secretary to Government, for the purpose of being laid before the Governor in Council.

(A true Extract.)

(Signed)

Register.

To the Chief Secretary to Government, Judicial Department.

[Not to encumber the page, the sequel of this official correspondence will be found at the end of this letter. See Note A.]

the Governor in Council, thus situated, and before whom by an act of his own Council, the ink of which was hardly dry, a Native in the Provinces was virtually and actually prohibited (as shall presently be shown) from appearing in complaint, even if despair for the life of an innocent, imprisoned father, brother, or son,—nay, if the innocent lives of all three such victims united, had hurried off to Madras a Native of Canara, braving the dangers and fatigues of a five-and-twenty days' foot-journey, in the hope of staying the sword of the executioner, kept ready-drawn over lives so dear to him; the Governor in Council, thus situated, without the presence of a Native in his Council, without, it must be thought, one Native near, whose mute presence should remind him of the existence of such beings as Natives, and that it was the lives, then at stake, of hundreds of them, crowding and dying in a jail,—some proved to be innocent even of a suspicion of crime; others, without friends or means to bring the hardship of their cases to light, other than the interference of the Circuit Judge who, after a lapse of many weeks, sought no more than a bare discrimination of the mass of innocent from the guilty—of those without crime or accusers, from those criminated in, or even suspected of, mob-rioting: the Governor in Council, in order, as the Fonjdaree Udalut observes, that the matter “*might, of course, be taken out of the hands of the Circuit Judge, called upon the Magistrate to furnish (direct to Government) the information, in respect to the number of prisoners in confinement, charged with crimes against the State, and the nature of the evidence against them, which it was the object of the Precepts issued by the Judge to obtain.*”

17. Without stopping to ask your Honourable Court to lay your hands on your hearts, and now declare, as upright men, whether, in the case which was previously delineated and set before you, there is, or there can be, one feature of exaggeration; without stopping or asking you to dwell upon this one fact, that there is here official proof, dated 3d

July, 1837, under the sign and seal of the Court of Fonjdaree Udalut,—the highest Court of criminal, civil, and magisterial justice, the Court uniting and exercising the powers of the Court of Queen's Bench and the Court of Chancery combined, over all the Courts, and throughout all the territories of Madras;—that the Governor in Council, after having proclaimed Martial law for weeks and months before in Canara, after having assembled a Court Martial then sitting at Mangalore, and trying prisoners for treason and rebellion, and having devolved into other hands the power of confirming and carrying into immediate execution, the sentences of death and of forfeiture of all property, passed on the Natives convicted; after having dispatched to Mangalore another Special Court, and after having been apprised, since April, of the great and unresisting slaughter which had been made, of the rioters, wherever the troops had encountered them; without stopping, I say, to rivet your attention to this one proof derived from the highest Court, that it was in the very end of June, after all these severe and sanguinary measures had been enforced, when the Governor in Council, for the first time, called upon the Magistrate under whose authority all the prisoners were confined, for information relative to their number, their crimes, and the evidence against them; without stopping to remark that this call, when made, so far from being spontaneous, or originating with the Government, was forced from it by the firmness and decision of the Circuit Judge; without stopping to put one of the multitudinous questions, which crowd for answer, even upon this one solitary point of conduct on the part of the Executive; I proceed to relate the next step taken by the Governor in Council.

18. On the 24th July, the urgency of the case remaining unabated, the Governor in Council proceeded to review the correspondence between the Circuit Judge and the Magistrate, submitted to him, together with the accompanying remarks of the Fonjdaree Udalut. The Governor in

Council begins his Minute by declaring, that “an attentive perusal of the papers has impressed him with a very unfavourable opinion of the conduct of both” the public functionaries concerned, who “are observed to have given way to their *private feelings* and idle notions of dignity, and to have acted in a manner which is *highly discreditable* to them as officers of the Government, and calculated to prove injurious to the public interests;” that “the interference of the Judge with the Magistrate’s functions was VEXATIOUS,” and they are warned “that a REPETITION of such proceedings will be visited by a more decided mark of displeasure.”

19. This is the language, these are the words, yes, *the ipsissima verba*,—these the deliberate opinions and judgment placed on record on this occasion by the Governor in Council of Madras, to be transmitted at the fitting season for the confirmation and approval of your Honourable Court, as a just exposition and impartial summing up of the *real* merits of this case, and a fit sentence to be passed upon the actors, according to the joint and equal measure of their errors and delinquency. But although these are the very words of the Minute, although every character of this “Consultation,” such is its name, is as plainly and palpably before my eyes, as every word of it is faithfully transcribed below, for the perusal and astonishment of those who may chance to read these pages;* although I have read and

* EXTRACT from the MINUTES of CONSULTATION, 21th JULY, 1837.

From the Magistrate of Canara.

Submitting for order an extract from the proceedings of the 2d Judge on Circuit in the Western Division, calling upon him to state how many prisoners he has in his custody, on account of crimes against the State, and for an estimate of the number likely to be brought before the Special Commission, together with his observations, showing the unreasonableness of

Read the following Papers :—

(Here enter 23d June, 1837.)

re-read this paper, and cannot therefore doubt its existence, cannot doubt, that such a Minute did emanate on the day of its date from the Governor in Council of Madras; yet

the demand in the present state of affairs in Canara.

From the same.

Submitting a further Precept from the 2d Judge on Circuit in the Western Division, in reference to his communication of yesterday's date, and also another from the same officer respecting the arrest of Pudna Shetty, one of the prisoners connected with the late insurrection, and requesting the early orders of Government on the subject. (Here enter 24th June, 1837.)

EXTRACT from the PROCEEDINGS of the
FONDAREE UDALUT.

Submitting for the consideration and orders of the Governor in Council the originals of a correspondence between the 2d Judge on Circuit in the Western Division, and the Magistrate of Canara, and communicating the opinion of the Court of Fondaree Udalut, that unless the spirit of insubordination, evinced by the latter officer, be not speedily checked, serious interruption of important business will be the consequences. (Here enter 3d July, 1837, No. 193.)

1. An attentive perusal of the papers, recorded above, has impressed the Governor in Council with a very unfavourable opinion of the conduct of both the second Judge and the Magistrate. At a time, and on an occasion, when the public interest imperiously demanded, that the most entire cordiality and co-operation should subsist between public functionaries, working together for the attainment of a great and important object, these gentlemen are observed to have given way to their private feelings and idle notions of dignity, and to have acted in a manner, which is highly discreditable to them as Officers of the Government, and calculated to prove injurious to the public interest. Their proceed-

the will, however pursued and overwhelmed by this weight of evidence, shrinks away wholly powerless at moments, in the effort of compelling a belief in the reality; while reason would willingly cheat itself into thinking, that the whole must be "some idle coinage of the brain;" that the "imagination has bodied forth the form of things unknown," and unheard of before, among the acts and decisions which harsh, despotic, and irresponsible power, past or present, has brought itself to record.

20. For, what spirit, what meaning, is there not breathing and embodied in every line and every letter of this sentence? It declares to the Natives of Canara, more expressively than the plainest words can declare, that the Circuit Judge, he who had been selected, and who had sworn to administer justice to them "*without fear or favour, and according to the Regulations;*" who, in obedience to

ings are the less excusable, as neither the second Judge nor the Magistrate can plead inexperience, or ignorance, of what was expected of them.

2. The Governor in Council cannot omit particularly to notice the objectionable language, in which the magistrate's communications are couched, which is observable likewise, in the letter addressed by him to Government, under date the 23d ultimo; nor the *vexatious* interference of the second Judge with that gentleman's functions at a time, when he was already overwhelmed by harassing and arduous duties; and, as this is not the first time both these gentlemen have rendered themselves obnoxious to the censure of Government, for precisely similar misconduct, the Governor in Council resolves to warn them, that a repetition of such proceedings will be visited by a more decided mark of the displeasure of Government.

(A true Extract)

(Signed)

Chief Secretary.

To the Judges of the Fonjdaree Udalut for their information, and for communication to the Second Judge, and the Magistrate respectively,

(True Copies)

(Signed)

Register.

this oath and to clear and express Regulation, had, after a delay of some weeks, visited the jail, where hundreds of prisoners were confined, and could not there shut his ears to the complaints they made to him of unjust arrest; who, after a silence, and at the lapse, of several more weeks, again visited the jail, and was met and overwhelmed by the same complaints, wholly unredressed; who, in the execution of his duty, became aware that, independently of these prisoners, the Magistrate had a large body of men under a Military guard, who had no friends, or other means than the Judge's interference, of bringing the hardship of their cases to the knowledge and notice of the Governor in Council; the Judge, who heard and knew of most distressing cases of despondency occurring among the persons confined, caused by the sight of frequent executions; who stated, uncontrovertedly, the case of a boy, a prisoner's son, only ten or eleven years of age, having been in confinement with his father nearly four months; who stated the case of four Madras Coolies, laden with Government Stationery, confined without the slightest ground for suspicion; who stated the case of one prisoner, a youth, having been sent up for trial capitally, without its being possible to find any person, who ever did or would accuse him; the Judge, who proved the correctness of his surmise, that innocent persons were suffering arrest and imprisonment, by the further case of a Native of Mysoor, whom the Magistrate informed the Government he had *no* intention of releasing, but whom he *did* release, after the Judge's interference, and after the man's brother had, weeks before, presented *two fruitless* petitions; who further proved the correctness of his surmise by the uncontradicted fact, that the Magistrate daily released numbers of prisoners, *after* he made his appeal to the Government against the Judge's interference, but not *before* that interference; the Judge who, if this call, the desiring to know the number of persons confined, and their crimes, was "inopportune," was declared by the Fonjdaree Udalut to

have made it "*from humane and public motives alone*;" the Judge who, of every person, of every part, of every portion, of the Madras Government, is proved to have been the very first person, at the lapse of several months, who did consider it any part of his duty to call for *any* information whatever on the subject (this, in a country where a Habeas Corpus is no more known, than mercy is heard in the region of doomed spirits, and where the substitute provided for it is the production inserted below!*) ; the

* Let those take the consequences, whose proceedings and productions have now made it a crime of deep die to withhold the following revelations. Up to the 16th May, 1837, the Natives of the Madras Presidency had always had one sacred asylum left to them in their complaints: the doors of the Government House had always been thrown and kept wide open to their petitions, whence they received kind and conciliatory answers in all cases, in some cases, redress. Hence the Natives invariably separated the Governor from his Council. The Council, as they knew, and intensely felt, brought up apart from the dawn of manhood, were named and sent there to represent their own order, and their own separate caste interests. But the Governor was an Englishman, usually taken from the body at large of English gentlemen of rank. Respectable Natives admitted to his presence found, instead of pride and arrogance, manners, kind, open, mild, and encouraging. HE would give them a chair; HE thought it no degradation that a Native should be seated before him. To him, therefore, the Natives instinctively clung and looked up as *their* representative; as the person in the Government who, above caste leanings and prejudices, was really best disposed to listen and do justice to their representations; and among themselves, they would wind up their complaints by exclaiming, "If we do not get redress, we will petition *the Governor Sahib*."

Accordingly, many petitions used to be addressed direct to the Government House, for the Governor in Council; petitions often conveying information of the very last importance for the Governor to receive. In support of this (and if the averment be unfounded, there is the late manly, upright Governor of Madras to contradict me), I refer to the proofs and indications, not of faults nor mere offences, but of serious, heinous public crimes, which have been transmitted to Government by Natives, who were afraid to put their names to what they wrote. It is *their* crime, doubtless, that they are in a condition that an honest

sentence declared to the Natives, that the Circuit Judge, for this act of almost negative interference in behalf of the unfortunate prisoners, after knowing and seeing with his

man among them dare not come forward, and denounce corruption and guilt; dare not say to the offender to his face, "you are the criminal, and here are the proofs!" without feeling certain that he and his family will sooner or later be sacrificed.

The consideration which justified the keeping open of this *sole* channel of direct communication of the Governor with the Natives, the leaving to them this one safety-valve to their complaints, in a system which, by every other means, keeps the Governor blindfold, was the lamentable, the melancholy necessity of the case, the *res dura et regni pravitās*. Hardly, however, had the late Governor turned his back (4th March), and before the new Governor could be aware of the purpose for which his name was being used, when the opportunity was seized effectually to bar up this, the last remaining, refuge to the people, by issuing and prescribing to them strict obedience to the following "Rules:"—

Fort St. George Gazette, May 16, 1837.

The following Rules respecting Petitions are published for general information :

1. Whereas the practice of making applications and appeals direct to the Government, who are unable to pass any orders thereon without previous reference to the Department concerned, is productive of *inconvenience* to public offices, and of delay and disappointment to individuals: the Right Honourable the Governor in Council is pleased to promulgate the following Rules for general information.

2. Persons having cause of complaint against an officer of Government, civil or military, or his agents at the Presidency, or in the Provinces, shall, in the first instance, seek redress *from the officer* in whom the local authority is vested; and that officer will, in every instance in which he is unable to comply with the requisition, give the petitioner a written endorsement, or where endorsements are not authorised, a copy of the order, setting forth the grounds upon which it is refused. If the petitioner is dissatisfied with this decision, he is at liberty to address the Board or Court, or superior civil or military authority by which the subordinate officer is controlled; and the Government, in cases in which there is no intermediate authority.

3. The Government *will not receive* (italics in the original) a petition ON ANY MATTER, unless it shall appear that the Petitioner has already applied *successively* to the subordinate officer, and to the Board, or Court,

own eyes all that was going forward, had impressed the Governor in Council with a very unfavourable impression of his conduct,—that he had given way to private feelings,

or superior military Officer; and the answers, or orders, of those authorities respectively, if any have been passed, or copies of them, must be annexed to the petition addressed to Government.

4. The Government, having passed one order on any appeal made to it, *will not notice* a second petition on the same subject, unless new and important matter be introduced; and anonymous petitions will be totally disregarded.

5. As the Right Honourable the Governor in Council never interferes with the distribution of subordinate appointments, applications in the gift of Heads of Departments will also remain unnoticed.

REVENUE DEPARTMENT.

6. The *proper* course for persons having petitions or complaints to make regarding matters belonging to the Revenue Department, is to address, in the first instance, the Collector, or subordinate covenanted officer, to whose charge the matter appertains: in the latter case, if the answer or order of the subordinate officer does not satisfy the complainant, he *may* address the Collector; from the order of the Collector, on a petition or complaint addressed to him in the first instance, or on an appeal from the order of a subordinate officer, an appeal may be preferred to the Board of Revenue, and eventually to Government, but it is to be understood that it is only *in extraordinary cases* that Government will interfere in matters which have been considered and disposed of in due course by the local and controlling authorities.

7. Upon complaints of persons dismissed from office by Collectors and Sub-collectors, the decision of the Board of Revenue is final with respect to offices *below that of Head-Sheristadar*. (italics in the original.)

8. Persons dismissed from the office of Head-Sheristadar, whose dismissal has been confirmed by the Board of Revenue, are at liberty to appeal *through* the Board to Government. Petitions *direct* to Government *will not be received*. (italics in the original.)

JUDICIAL DEPARTMENT.

9. Petitions *will not be received* by Government, (italics in the original) regarding *ANY* matters which form the subject of judicial proceedings in the Courts, or which properly fall within the jurisdiction of the Courts, or containing complaints relating to the administration of civil or CRIMINAL

acted in a manner highly discreditable to him as a Judge, and injurious to the public interests; and that if he persisted in discharging his duty as he had done, fearlessly

justice, in cases on which another mode of obtaining redress, is open to the complainant, under the Regulations, and in which by the Regulations, a subordinate authority is competent to pass a final decision.

10. In other cases petitions *will not be received* by Government concerning the administration of *civil or criminal justice*, or the *proceedings of the Officers* employed therein, unless it shall happen that the Petitioner has already brought the subject before the proper controlling authority and has not received satisfaction, in which case the petition to that authority ~~AND THE ORDER PASSED UPON IT~~, if any has been passed, *must be produced*.

11. Government *will not receive* petitions from persons dismissed from Ministerial offices in the Courts: such persons having cause of complaint, may offer petitions to the proper controlling authorities, by whose decision they must abide.

MILITARY DEPARTMENT.

[Two similar paragraphs here follow.]

Published by order of the Right Honourable the Governor in Council.

It has been proved by the official testimony of the Circuit Judge and of the Fonjdaree Udalut, that in a month after the publication of these "Rules," two successive petitions were presented, in accordance with them, to the Magistrate of Canara, by the brother of a prisoner, an innocent man and a foreigner, then confined for high treason; that both petitions proved "*fruitless*," that is to say, received neither notice nor endorsement: it has been proved that the Circuit Judge interfered to obtain an answer to them, and that his interference was "*fruitless*;" it has been proved that the Governor in Council, the framer of the "Rules," publicly stigmatized the Judge's "interference" as "*VEXATIOUS*." So much for cases *immediately* occurring and brought to light, in which *the lives* of the Natives were at stake. As to "the Revenue Department," that is to say, their petitions of Revenue grievance, I have by me two of these petitions; cases, every particular of which I so well knew, and thought so cruel, that I myself drew up both petitions, in the hope that I could make them more easily intelligible, and obtain redress for the sufferers. Both petitions were presented *and refused to be received* by "the local authority." It will be said, the petitioners had an appeal. Suppose then, that they made the

and honestly, by breaking the peremptory silence now imposed on his lips, whatever the injustice, whatever the cruelty, whatever the oppression, he might see or hear of,

appeal as usual, by post, to a distance. The easy answer to a reference on the subject would have been, that "search had been made, and *no* such petitions had been *received*," as all the Native public Officers were ready to attest;" and the consequence to the Petitioners would have been, the Revenue and Police authorities being always united in the same persons, and *they being* "the local authority" appealed against, that the Petitioners would have been liable to immediate fine and imprisonment for making a *false* complaint.

It is hence plain that the operation of these "Rules," under a Government so framed, so constituted, and so conducted, was, in point of fact, to place the Natives, in cases of liberty and property, out of the pale of humanity as effectually, as if "Rules" had been passed in the late Slave Colonies, enacting that no slave should complain to a Magistrate of ill treatment by his Master, *or by his Master's orders*, unless he first presented a petition to his Master, setting forth this ill treatment, and produced his Master's "written endorsement" upon the Petition.

But these, howsoever painful, are only very limited illustrations of the effect of these "Rules" upon the personal protection and happiness meted out to a people in the state of society, where the "Rules" were devised and promulgated. "Manners," observes one of the first and wisest of men (Burke), "are of more importance than laws. Upon them, in a great measure, the laws depend. The law touches us but now and then, here and there. Manners are what vex or soothe, corrupt or purify, exalt or debase, barbarize or refine us, by a constant, steady, uniform, insensible operation, like that of the air we breathe. They give their whole form and colour to our lives. According to their quality, they aid morals, they supply them, or they totally destroy them."

To picture, then, the kind of manners by which some among the governing class scruple not "to debase" those who cannot resist them, it must now be stated, that I have known it to be an order in a Court of Justice, given to the Judge's tipstiffs, whenever a Native present happened to sneeze, or to cough, or spit, to take the offender by the neck and shoulders, and thrust him out of Court. It will be found entered, in plain letters, on the records of another Court of Justice, that a Judge dismissed one of the Native Officers, and reduced him to beggary, for the crime of not having bowed to the ground sufficiently low, one morning when the Judge entered the Court; the culprit had bowed, it was admitted, but the *Kotou* was not abject enough!

It has been known that a Judge, when sitting on the Bench, would

the Judge should (to translate in plain, unambiguous words the threat held over him) be forthwith removed, and suspended from office !

send one of his tipstiffs to the beach, at the time the boats were returning from fishing, have a large basket of fish brought into Court, and the contents all turned out on the floor; select from them the best and freshest fish for his tiffin (noon-day meal) or dinner, and then order the *Bramin* Treasurer of the Court to pay for this fish; thus fitly finishing this scene, gone through in a Court of Justice called British before all the Natives present, without the smallest reserve or compunction, by putting the grossest outrage he could put upon this man's personal and religious feelings; an outrage so gross that the Treasurer immediately wrote his resignation of office.

It is wholly superfluous to observe that, in Courts of Justice so presided over, corruption and venality among the Native Officers of it must be the rule. I have in my possession a letter from a Native to a suitor, offering to obtain a decree for the latter for 20 Rupees (£2 sterling). But let me here add, that there are exemplary and noble exceptions; that I have known, and know, Judges deserving of the high rewards which their country can bestow; whose righteous conduct lives engraved on the hearts, and embalmed in the memories, of the grateful Natives; Judges, whose names rise to my pen, as they dwell in my mind, were my painful duty with names, and not with things.

Morals cannot be disunited from manners, and to those I must now pass. I will not do more than allude to the commonness of the practice, of employing the public Peons, given to functionaries for their personal honour, in pandering for their private pleasures; that is to say, to employing a Native Officer, clothed with one of the Honourable Company's badges of Office, and receiving public pay, in the degrading avocation of a p—p. But I ask, and let virtuous men answer the question, let them, I say, think of the honour of their country, and fearlessly answer it; whether, for several years, it was not a subject of conversation at Madras, and on the Madras side, both among Europeans and Natives, that a Judge had appointed his chief p—p to the office of Moonsif, had appointed this person to the office of Native Judge over his countrymen, to the first office in honour to which a Native can aspire? I myself knew and saw a Native Officer made a Judge, who, some years before, had brought a female he called his sister to the house of the European Judge, newly appointed to the Court, (it is from the latter's mouth that I repeat the relation,) thinking by such means to secure *his* favour. But transcending all belief would be the following narrative, if I had not received it from a gentleman high in the Service, and well informed of the parti-

21. I am aware, and I have no doubt the circumstance will elsewhere be brought prominently forward and insisted on, as a proof of rigid impartiality, that, in the words of this "Consultation" which were designed to meet distant eyes, the Magistrate is linked together in the same censure

culars. Some time ago, the Sheristedar of a Court of Justice, that is, the Native Officer next in rank and dignity to the European Judge, had a beautiful and virtuous wife; in every respect, in her own country, a lady, both by birth and education. The Judge heard of her beauty, and scrupled not to send proposals to her. She rejected them with the liveliest scorn and indignation. A short time after, it was discovered in Court that the husband had committed some fault, deserving of suspension from office, and he was suspended. In a few days again, the Court Officers saw him restored; the wretched wife had been brought to submit to the violation of her person, as the price of his restoration!

Now let any man,—let any Englishman, read this, think of this, think of these people, think of only one such deed being done to them,—of its being known, and talked of even in a whisper, and then let him turn to and think of these "Rules!" "Rules" enjoining and obliging the prostrate victims of conduct such as this, if they sought redress, to petition the wrong-doer; ordering the husband to proclaim his dishonour, the wife to detail her shame and violation, by petition in open Court, and obtain "a written endorsement!" the Governor in Council declaring to them and to all Natives, that he "*will not receive a petition on any matter unless it shall appear that the petitioner has applied successively to the subordinate officer and to the Board or Court!*" Let a man think, that the framer, or framers, of these "Rules" are the persons for whose chief benefit and advantage the Government is devised, and by whose sole voice it is conducted; and that they seized the moment of obtaining to the "Rules" the sanction of a young Nobleman, scarcely landed, inexperienced, high principled, confiding in those placed around him, with a heart overflowing with kind and generous emotions towards all men, and who would sooner have cut off his right hand than have affixed it to such a paper, could he have been brought to conceive all that its provisions would sanction and let loose upon the people, he was sent to listen to and protect. To complete the picture, let it be known, that the "Rules" were hailed by the Madras authorities, with hardly an exception, with the loudest praise: this production being, it seems, the last stone wanting to complete the work of their hands: it being *their* "Bill of Rights!" Fitting is it, that the Natives be gagged, and every alien Englishman driven out of the country!

as his superior, the Circuit Judge. The eyes, the senses, and the fears, however, which were really and immediately meant to be addressed by it, were those of the European and Native public of Mangalore ; where English is commonly read, and fluently and correctly spoken and written by many Natives ; and where, in order that all men might discriminate, without the possibility of mistake, the functionary against whom the censure of the Governor in Council was fulminated, while this "Consultation" was produced in one hand, the Magistrate had the power of producing, as he did produce, in the other, constant, frequent, confidential letters, written to him by a Member of the Government, the President of the Board of Revenue, his immediate superior ; letters not merely conveying entire approval and hearty praise of his conduct throughout, but going the length of, in a manner, courting *his* suffrage and *his* favor ; a degree of confidence and unflinching support, which was the general topic of conversation at Mangalore, and was there openly ascribed, to the well-known and oft-repeated circumstance, of the Magistrate having a near connection a Member of your Honourable Court, to his possessing the ability to influence and command votes in the Court of Proprietors, and hence the plain, open inference, that supporting him, at all hazards, was the conduct which would prove most acceptable to your Honourable Court, and be remembered as an eventual passport to your favor, and that of the Court of Proprietors.

22. Now, let your Honourable Court picture to yourselves, if the human mind can bring itself to picture it, the condition of the people of Canara. Martial law proclaimed, its sentences executed without reference to Madras, a Circuit Judge silenced in his vain efforts to discharge his duty, by the opprobrious censure of having given way to private feelings, the law henceforth dead, the Magistrate encouraged to persevere in the career, officially described and denounced, by the strongest private countenance and

support; the Governor *de facto* deaf to the people, the Council *de facto* deaf to them, every person, every power, every authority, deaf to them; and lastly, to crown and consummate this scene, the hearts of your Honourable Court represented and believed to be seared and closed, the feelings of the Court of Proprietors to be hardened and deadened to their complaints, by local influences and by private interests so powerful and all-absorbing, yet so ineffably selfish and sordid, that their cries would be received and regarded here, in England, the sacred dwelling-place of humanity, as the idle wind, even if Heaven should lend its blasts to make them audible across the globe!

23. Your Honourable Court will fly from this picture; you, and all men who behold it, will rush into incredulity and scepticism, to escape from a stupor of horror. Be it so. Be incredulous: call me, if you will, a maligner and calumniator. This is relief, to labouring longer with this dreadful incubus, fatal to all peace and to all rest. But there exists a disproof of the truth of this representation, a disproof of it perfectly clear, obvious, ready, and easy; and nothing but this disproof will, or can, suffice. It is this. Every letter, and every part of a letter, which a Member of the Government wrote to the Magistrate of Canara, or he to a Member of the Government, touching his conduct, his duties, his differences, or the state of his Province, throughout this melancholy period, was a *demi-official* letter. Every one of these letters must be in existence, in the original, must be, *or it ought to be*, on record. There can, on such an occasion, and on such subjects, be no seal of privacy, no destruction. Let all these letters be produced, and let them contradict what has been declared to me, what I am forced to believe, and am now forced to declare, relate although it does to men, whom I never met, never thought of, nor ever thought of mentioning, but with feelings of kindness and esteem. But pending the production of these letters before the authorities, who have an undoubted

right to call for and see them, and to pass judgment upon the tendency and effects, which their contents were calculated to have upon the minds of the people at Mangalore, your Honourable Court will admit the force of the reasons which kept me away from thence; you will feel in your own breasts all the force of the execration I should deserve, if, following a first and strong impulse, I had gone thither, and exposed one Native more, could one Native have been found possessed of moral courage enough to approach, and not to fly from, me as from pestilence and death, to the chance of the calamities in which such multitudes around felt hopelessly involved.

24. Having produced before your Honourable Court this "Minute of Consultation," the severity of truth demands that, among whatever number the legal responsibility of it may be divided and diminished, the moral responsibility which attaches to this deliberate act, before the tribunal of public opinion, should be traced and fixed to the real author, or authors.

25. The Governor in Council then of Madras, *de facto*, during the whole of this period, consisted of the Commander-in-Chief, nearly an entire stranger to India, who it was believed and understood restricted his interference and control to his own immediate department, and of one civil Member of Council, the President of the Board of Revenue; upon whom devolved, and who in point of fact exercised, all the executive functions of the Government. His Lordship the Governor was absent from Madras, between Bangalore and Ootacamund, from June to October;* the other civil Member, who completes the Council (for nearly twenty previous years, the able and respected head of the Board of Revenue, but *in Council* made the titular President of the Fonjdaree Udalut,) was also absent on the Neilgherries, all the time, on account of his health, which

speedily after compelled his retirement. His Lordship the Governor of Madras *de jure*, therefore, was as ignorant, and all men will feel persuaded, as innocent, of "the Minute of Consultation of the Governor in Council of Madras" *de facto*, until the Minute was recorded, and dispatched, and had been read, and passed from hand to hand at Mangalore, as if His Lordship had been all the time, where he was a few months before, in Great Britain. That I may not be suspected of stating to your Honourable Court a circumstance, upon which the public of Madras were suffered to be in the least doubt or ignorance, or which does not rest upon official proof, your Honourable Court need only refer in evidence to the Fort St. George Gazette of the period in question, where it will be seen that, during His Lordship's absence, all acts of the Government are headed in the name, and were done under the authority, of "The Governor in Council;" while, immediately upon His Lordship's return, the more ample and expanded formula of, "His Lordship the Right Honourable the Governor in Council," prefaced as heretofore, and ushered forth, the deliberations of the Government.

26. Having felt debarred by the strongest reasons from repairing to Canara, I cautiously abstained in the letters I addressed to the Government, and which are before your Honourable Court, from adverting to the causes of the disturbances there; to the complaints and grievances which drove a simple, quiet, peaceable, inoffensive race of men to assemble from their wilds and jungles, and commit riots. That I have truly represented the disposition and character of these people, I refer your Honourable Court to the testimony of Mr. Viveash Baskerville, and of Mr. F. Anderson of the Madras Civil Service, both now in England; who, I am sure, will suffer me to mention their names in the cause of truth and humanity. The first gentleman will tell your Honourable Court that he was the Principal Collector and Magistrate, when the Coorg districts below the

Ghauts, the original seat of the disturbances, were annexed to the Province of Canara, and was the Collector who first made "Jumma-bundee" with the people; that is to say, using English language and intelligible speech, who first commuted, agreeably to the much-lauded and extolled Madras Ryotwar Revenue System, the definite assessment *in produce and in kind* upon their lands, which these people had, from the beginning of time, paid to their Rajahs, into, what is called a *fixed annual maximum assessment in money*; a change which they received and obeyed with all respect and with all humility, as if it had been the fiat of Superior Wisdom. Mr. F. Anderson will tell your Honourable Court, that he made these annual Settlements for the three following years with the Gowdas, such is the caste name of the chiefs among these people; and that he found them all as quiet, docile, and well-disposed as they had previously showed themselves to his predecessor.

27. Not one of these people had I an opportunity of seeing and questioning, and of learning from themselves their subjects of complaint. (But every Native of Canara, whom I saw and spoke to, stated, without exception, the cause of the first disturbance to have been the following. The Gowdas and Natives of the new districts had gone on paying for three years, or as long as they could pay, this new fixed maximum Money assessment demanded from them, until all their means of raising it from other sources being exhausted, they could pay it no longer. They represented their inability to the Collector's Sheristedar, on his Jumma-bundee arrival at Pootoor in March; they said, money they had not, but there was their *produce*, let him take that, as their Rajahs had always done (and let one single instance be proved of any Native, in any part, refusing to pay his assessment in produce, as long as he has produce to pay). The Sheristedar told them in reply, that he had nothing to do with their produce; that they must pay down in money, or, in default, their cattle and moveables should be attached

and sold, and these failing, their lands, according to Regulation: proceeding, as some said, to execute the threat, others said, using it only to intimidate and silence the complainants. Whether this, or the reverse, be true, the assembled people, hearing or fearing the threat, exclaimed, "What are we to do without our plough-cattle? how till our fields next rains? can we plough with nothing left but our hands and nails? Starve then, it is clear, *we must* next year; so we may as well be killed, and die at once." Whereupon they seized their clubs and bill-hooks, seized the Sheristedar and his fellow-servants at Pootoor; and having next succeeded in making the Collector and a party of one hundred and fifty Sepoys retreat from thence in the middle of the night, they naturally deemed and reported themselves to be invincible.

28. This account of the origin of the riots is so natural, so clothed with probability, so illustrative of, and so accordant with, every page in the Revenue History of Madras,*

* It is not possible, nor is this the place, to produce all these accumulated pages of Madras Revenue Management. In 1802, when the Province of Malabar was transferred, by a stroke of the pen, from Bombay to Madras, a "crack" Ryotwar Collector, an *original élève* of the system, arrived from Coimbatore, followed by one assistant, a mere youth, and a host of *hereditary* Potails (village headmen), on five rupees a month, and other such statesman-like devices, to supersede a dozen experienced Bombay functionaries. In about eighteen months, this Collector contrived to kindle a furious civil war, from one end of the Province to the other; having done this, he disappeared by the light, leaving the conflagration to be extinguished by torrents of blood, at the cost of lacs and lacs of rupees, and by the conversion of the homes and habitations of men into, what they continue to be to this day, the lairs of wild beasts. This solitude was then called "internal peace!"

The two following instances, drawn from different countries, and exhibited at long intervals of time the one from the other, show that no amount of experience is effectual in teaching wisdom, moderation, and reflection at Madras.

"Another measure was tried by the Commissioners of the Presidency of Fort St. George (1796); namely, to tax, in the first instance, all coco-

so strictly confirmed by the narrative which the Criminal Judge gave, from the first, to the Governor in Council; reporting that, "The Collector of the District, without having *the slightest idea* of any spirit of disaffection existing in the District, received information (30th March) from a Tahsildar (Head Native Officer of Revenue and Police) of a Talook (County), bordering upon the confines belonging

nut trees, at the rate of one fanam each yearly. The collection of this tax occasioned *again* a general discontent, which soon broke forth into an open opposition; and it was speedily found expedient to abandon it. The reasons offered against this tax were, that it was laid on an article of raw produce, and one of the necessities of life;—that it was laid, too, in a most unequal proportion; for all trees, not only the most productive, but those which were *the least* so, had been taxed according to the same rate of one fanam per tree: (*making the tax, in some cases, forty, in others, not so much as six, per cent.*) A tax of this nature must inevitably have been vexatious in the extreme: and its being imposed *in money* rendered it at that time particularly difficult to be complied with, because money was then exceedingly scarce in Ceylon. If we judge, in fact, from the feelings of the natives, the latter circumstance (namely, the payment of the tax in money) was the most disagreeable part of it; because they offered to contribute, instead of it, the tenth part of the produce of the trees in kind, which was imprudently refused: the good opportunity was then lost, and it afterwards became necessary to relinquish it altogether." (Bertolacci's Ceylon, p. 323.)

From the Principal Collector of ——— to Captain ———, Ootacamund, December 2d, 1831:—

"Sir,—I have the honour to apprise you that I have forwarded to the Cash-keeper at Ootacamund a certificate in your favour of the permission of Government for you to *occupy the land* therein described, together with a bill for fees due to the Register of Grants at the Presidency, amounting to Rupees 35.

"This charge has been authorised by Government, as well as the assessment of Quit-rent *on all lands* on the Neilgherries, whether *within* or *without* the Cantonment, for which grants or licences may be issued, at the *uniform* rate of 5½ Rupees per Cawney."

A Cawney is 1½d Acre; "the assessment on all lands" was annual. The rent, therefore, demanded from *an occupier* for every acre of a tract of mountain land which, from the flood, had been waste, and whether

to the late Rajah of Coorg, that numbers of the inhabitants of the Coorg country had suddenly risen, and taken possession of the treasure, amounting to about 15,000 Rupees, together with the Head Sheristedar and his Cutcherry of Servants, who were *on Jummabundy* at the place:" all these proofs drawn from opposite quarters, European and Native, lead me to place more than ordinary confidence in the general correctness of the account, although to ascertain its strict truth obviously required

required for *building* or for *agricultural* purposes, was fixed by the Government in 1831, at ten shillings an acre, equal, according to the different value of money, to about £10 in England!

Asiatic Journal.—October, 1838.

"The Madras papers state, that Government has ordered an assessment on all the petty cultivation of the Neilgherries, and that the consequence has been, that the place is fast falling into its former state; the little gardens that had given employment and support to many, and furnished the tables of the visitants with a plentiful supply of superior vegetables, being abandoned."

And what is this region, which is in progress of being reconverted into a wilderness? It is one, the possession of which is the same, as if a part of the South of France or of North Italy had been transplanted, and set down in the heart of the Madras territories; a region, blessed with a very fertile soil, and the salubrious climate of the temperate zone; highly restorative in most tropical maladies, and particularly delightful at the season of the year when the heats rage in the countries below, and render change to such a scene and temperature a priceless bounty, which one would think Providence had bestowed upon all Europeans in India, for the express restoration and preservation of their health and mental energies. It is, in truth, a spot capable of being made one of the most delightful residences in the world.

But the land assessment expels the Natives out of it, who were converting that land into "gardens;" it starves the Europeans out of it, for want of the necessities of life, and forces them to the Cape, where it is known that they annually draw out of India and spend £120,000; 12 lacs of Rupees: locally an enormous sum, double the surplus revenue of most of the Madras Provinces! In vain will the world, past or present, be searched for a Government like this!

immediate, patient, temperate, and impartial enquiry on the spot.

28. Your Honourable Court will not be brought to believe that the Earth, in India, does *not* produce Rupees, but grain; that the trees do *not* bear coined money, but fruit; that never, from its creation, until your rule, was such a thing there heard of, or known, as a *fixed maximum money* assessment on the land, wholly chimerical and unrealizable as this incredible tax is, even under your rule*. Your

* It would be a mockery to set about shewing here, in England, where every man of ordinary information knows that the price of wheat has fluctuated, in modern times, from 42 to 122 shillings a quarter, that no country in the world can pay such a tax as "a *fixed maximum money* assessment" on the land. To instance only a provision in the late Tithe Commutation Act; the *money tenth* is, according to it, determined by the price of *corn and produce*, during the seven preceding years, every succeeding year making the seventh in this perpetual cycle of reference to the only equitable standard of value. But what is the history, what is proved to be the authentic, recorded history of *money* assessments at Madras? In 1807, Colonel Munro, the Collector of the Ceded Districts, wrote thus:—"If no alteration be attempted, the Ceded Districts will yield, one year with another, 18 lacs of Pagodas, and it will never be necessary to call out a single Sepoy to support the collections." The land revenue, which he reported upon (Report 26th July, 1807) was a *maximum rent in money*, fixed on *every* field and *spot* of land, "cultivated or *waste*," after "a survey," made of a country as large as Scotland by Natives, "provided with a chain 33 feet long," and amounted then to 640,000*l.* In 1827, after 20 years of peace, the same person, Sir Thomas Munro, he being Governor of Madras, and in the Ceded Districts, was obliged to reduce this assessment, which he had declared in 1807, "was collected with the greatest ease," to 485,714*l.*; a reduction of nearly one-third of the whole amount, (Report of Select Committee, 16th August, 1832.) What name ought to be given, where English is spoken, to the exactions on the Natives, that were going on throughout these 20 years? What would English Statesmen say to one of their number, who would venture to appear before them, with such an exposition of 20 years' management of the most important branch of Revenue, derived from the Kingdom of Scotland? This then is the result of the *fixed maximum money* assessment in the *model* Ryotwar Province of Madras. The result of the management of all the Provinces, for the

Honourable Court cannot be brought to perceive that, if you insist upon taking, as revenue, six-tenths of his produce from the Native, every obligation of justice and policy, stifling every claim of humanity, requires that you should take it in that which he has to give; that which his preceding sovereigns took; that which every private landlord in the country, wherever such a class of persons is still suffered to exist, is *obliged* to take, as rent: not in that which, often by no possibility, can the Native get. The plainest, the simplest, the most direct, and the most obvious of all generalizations show, to those who will be at the trouble of making them, or at the least pains of learning the real condition of the people, that in a country where there are no roads, there can be no towns, where there are no towns, there can be no trade, where there is no trade, there can be no exchanges, no exchanges, no money; and where there is no money, that men must be reduced to barter, as they are throughout the Peninsula of India, to barter one with the other, the little surplus they have left for the supply of their half dozen wants. To insist on having his revenue in money, therefore, is insisting on having that which the Native cannot get, nor can he give, could he coin his

same period of 20 years, all years of profound peace, is exactly of the same commendable, instructive, character. "In 1803—9, the actual collections of Revenue were 4,09,30,000 Rupees (4,093,000*l.*); in 1827—8, they were 4,01,72,000 Rupees, (4,017,200*l.*) decrease in 20 years, 75,800*l.*! Such is the irresistible force of circumstances and situation in moulding the opinions of men, that the functionary, one of the ablest in the service, who exhibits this astounding and almost incredible result of the Government of a large kingdom, (and of whose knowledge and great capacity the home authorities have wisely availed themselves), produces it as clearly establishing the fact, that "the system of civil administration actually in force at Madras has been successful, according to all the tests by which it can be fairly tried!" (Calcutta Finance Committee, p. 132.) There is here provided an unerring "test" of the entire success "of the system," that is, when "the actual collections of Revenue" shall be—zero.

blood into drachmas. For, of the money which is collected from him monthly, during ten months of the year, and the minutest fraction of which is spent on the spot, every Rupee of the residue is kept hoarded and locked up in the provincial Treasuries, until it is sent, as proximity dictates, either to Madras or Bombay; whence the slow wants of a restricted, an impeded, and a circuitous, *foreign* trade must bring it back to the few inland marts there are, before this coin can again come within the reach of the Native, to enable him to pay his maximum in it.* This regular, annual,

* To the Secretary to Government in the Financial Department, Fort St. George.

Tellicherry, 29th October, 1836,

"SIR,

"It is with reluctance that I bring the following matter to the notice of the Right Honourable the Governor in Council: were it the first instance of the kind, or did it ~~not~~ demand a remedy, I should be silent.

"It is hardly necessary to inform His Excellency in Council, that the whole surplus Revenues of the Provinces of Malabar and Canara, as well as the subsidies of the tributary states of Cochin and Travancore, to the amount of at least 25 or 30 lacs of Rupees, are annually sent to supply the necessities of Bombay; and that this great drain of the coin, required for the circulation of these countries, is made in Bombay currency, till lately, some local coins excepted, the only currency known. Were the sums that have been thus exported for the last 25 years added up, the amount will be found to be so great, that it is a matter of astonishment how these countries have borne up against this annual drain, and have continued to pay, year after year, into the Treasuries of the Collectors, the increasing money-revenue assessed upon them *in this exported coin*. But whatever may be the opinion entertained on this point, it will hardly be disputed that the necessities of the people of the Western Coast for coin, to meet the public demands, must be sufficiently obvious as to merit consideration, and that they have some title to expect, at all times, from the Government of Bombay, every facility to remittance transactions; that is to say, to expect that bills on the local Treasuries, for cash paid at Bombay, shall not be refused, when those Treasuries are filled with money ready to answer all bills. I put the matter on the narrowest ground.

"The demand for money, in exchange for produce, begins early in

systematic *forestalling by the Government* of the coin, which such a country requires or can attract, leads inevitably to an annual *regrating* of the produce; making the price worthlessly low, when the producer is compelled to sell *for money*, to pay his tax, and extravagantly high, when he is obliged to buy, as his necessities are sure to oblige him to

September with the first of the ten annual Kists, (Revenue instalments) that falls due; before the Coast is well open for country craft, and six weeks before ships willingly touch. Several weeks before, and after this period, my agents in Bombay applied for Bills on the Collector, and were told repeatedly in reply, that the Treasury was shut, and not likely to be opened. Finding this to be the case, and hearing that the Honourable Company's Cruiser Clive was about to be despatched to the Coast, they took the only alternative, and made me by this vessel a remittance in specie, the freight charged upon which is double the rate paid upon sending specie to Great Britain. The Clive passed down, not being suffered to anchor: yesterday she returned and landed my specie, after having received from the Collector of Malabar alone *four lacs and thirty thousand Rupees* of the remaining surplus Revenue of the Province; every rupee of which, I speak advisedly, would now have been paid into the Bombay Treasury, to the great saving of time, for every rupee must return, and to the infinite accommodation of the people, if the Government had thought fit to receive the money, which myself and the merchants had ready to pay in exchange for bills.

"Whenever a vessel is despatched from Bombay to this Coast for treasure, in addition to the expense of the vessel, a number of Shroffs are put on board, sufficient to furnish one for every port whence treasure is to be shipped. It is superfluous to say, that this and every expense whatsoever would be saved, and no more than reasonable facility be given to the money transactions of the Western Coast, if the Government of Bombay would follow, as regards them, the invariable practice when formerly it drew bills on Calcutta, and insert a periodical notice in the Gazette, stating that the Treasury would be open for a given time and for a given amount for tenders for bills on the Coast Treasuries."

"I have the honour, &c.

"F. C. BROWN."

With regard to the remittances of European functionaries, every Officer is allowed to receive one-third of his month's pay in a bill at thirty days on the General Treasury, and every Civilian the whole of his pay in a bill at ten days.

buy, to repay *in kind* the next year.*. In addition to this *direct* tax upon the land, akin to which nothing has ever been seen in the world, and the warrant for exacting which are the positive, express orders of Your Honourable Court;†—in addition to the Monopolies of two of the necessities of life—Salt and Tobacco; the Monopoly of Salt enforced by penally prohibiting the Natives from *touching* the sun-evaporated sea-salt at their own doors; that of Tobacco enforced by prohibiting them from growing a leaf of the plant on their lands; thus making it profitable to the smuggler to introduce and sell *Ameri-*

* An Assistant Collector from Canara observed that he would willingly serve there *without pay*, provided the Government would allow him to trade. He was asked why? "You are sure," he replied, "of making regularly twenty to thirty per cent., if you only buy grain when the crops begin to be cut, and the Ryots want money, and sell it towards the end of the season."

† "We are aware that the difficulty lies in ascertaining the degree in "which, in all the variety of cases, the surplus produce already is, or is "not, absorbed by the Government demand. But this is the difficulty "which exists in forming or adjusting the settlement everywhere. Minute "accuracy cannot be obtained; but in making the best approximation to "it in our power, *we shall AVOID ALL MATERIAL EVIL, if the surplus produce "is, IN ALL CASES, made the UTMOST extent of our demand.*" (Court's "Letter to Fort St. George, 12th December, 1821, paragraph 99.)

"By this latter sentence," observes General Briggs, who quotes the letter (p. 294) in his, the ablest work ever written on, Indian Land-tax, "it seems clear that, in the latter end of the year 1821, the Indian Administration in England was of opinion that it was just and expedient to take from the landholders of India the whole SURPLUS PRODUCE; i. e. the whole of the landlord's rent, leaving the cultivator only a sufficiency for his own subsistence and the maintenance of his stock!"

But why stop short at this demand? Why not take "the surplus produce in all cases," of every loom, of every tool, of every engine, of every manufacture, of every house, nay, saving a sufficiency of food and raiment, to be determined by the taker, why not take "the surplus produce" of every man's brains in the country, howsoever exerted? *The right* is the same in all these cases as in the first; its exercise would be as just, and — as wise.

can Tobacco in India!—in addition to this direct tax of, *at least, the whole* of the net rent of the land, suggesting the plain enquiry what more the Sovereign can demand from his Native tenant, whom HE proves to be a mere occupier by reducing him to the condition of one;—in addition to this tax and to these Monopolies, ingenuity, one would suppose, had tasked its powers in devising what *indirect* taxes could be imposed, that should be most profoundly cruel, mischievous, and suicidal to the happiness and prosperity of the people. For, not only are there frontier duties and export duties levied from Province to Province, thus erecting every Province into a separate foreign Kingdom, each with a separate Tariff, but there are export duties exacted upon all produce and goods taken from port to port in the *same* Province; so that not an article can be taken by a Native for sale at the nearest mart by any one of the navigable rivers, the highways with which Nature conceived and designed to bless and civilize his country, without its being stopped at the mouth for export duty!*

What has been, what must be, the result of a system of revenue and internal taxation, such as this? The result invariably has been, in every instance, that in a few brief years, the *maximum money assessment* proves to be wholly unrealizable from the land; and the discovery is made, either when the people, preferring immediate death to lingering starvation, seize what arms, clubs and sticks, rage and despair supply, and break out into violence; an issue which is speedily extinguished by their decimation by the bayonet and the gibbet, and the failure of land-revenue is, of course, attributed “to their lawless and unprovoked rebellion;” or, when having parted with so much of their produce, to raise the *money* maximum, that not enough remains to sustain life the year through, famine and disease relentlessly seize upon hundreds, and upon thousands, and

* See Note B. at the end of the Letter.

upon tens of thousands; and it is then reported to your Honourable Court, that the unburied bodies of the dead lie so heaped and accumulated, as to taint the air for miles around, and to pall the maws of legion troops of every obscene bird and beast of the air and earth.

Bear witness to this present picture, ye famine-devoured Provinces of Agra! Bear witness to it, ye Englishmen! casual, compulsory sojourners amid this desolation, who wrote and published throughout India, to stimulate the humanity of your countrymen, that for a subscription of only one rupee, for a sum of no more than twenty-four pence sterling, food enough could there be bought to subsist a human being for a whole month through!—Bear witness to it, ye who beheld in the places where this quantity of food could be bought for such a sum, who beheld with your own eyes, mothers sell their children, nay, offer their nursing infants in barter for one meal, and this failing, cast them headlong into the stream! *

And this spectacle in a country, where the teeming powers of Nature still continue to be such, that the earth yields harvests, although deprived of all those reproductive, recreative aids, barren of which, the fertile, smiling fields of Great Britain would be as waste, desert, and silent as the sands of Arabia: for, from Cape Comorin to the Himalayahs, such is the general poverty of the people, that the accumulation of their cattle-folds, instead of being hoarded and lavished, as in every other agricultural country on the globe, in restoring and invigorating their exhausted lands, and thus increasing the produce, and ultimately the public revenue, ten, aye, a hundred-fold, this manure is resorted to, and daily prepared, and forms the general, in some Provinces the sole, fuel which the Natives have it in their power to command, for the preparation of the pittance of food left to them to consume!

* See Note C. at the end.

30. Impossible as it is to compress all the proofs and demonstrations of this subject within the compass of the present letter, it is not possible, when attempting to throw light on the causes of riots and insurrections in India, to keep out of view this vast gangrene, this frightful ulcer, deriving and descending from the very head of the body-politic, which is incessantly preying upon the vitals of the Natives; the unerring proofs and progress of which are sure to manifest themselves, by periodical famines and tumults breaking out in every part, where a vigorous arm, wielded by an enlightened head and a noble heart, has not gone to the root, and extirpated the causes, as in Bengal Proper and Benares' Province; or where some natural local advantages do not exist, as in Malabar, and operate as adventitious sources of health, in counteracting the otherwise inevitable tendency of the mass to festering, convulsion, and dissolution.

31. I solicit your Honourable Court's forgiveness for this digression from the subject-matter of this letter, to which I return. I have stated that official notices led me to conclude, as I may, perhaps, have led your Honourable Court to conclude, that the Commission appointed by the Governor in Council of Madras in September, "to inquire into the causes of the insurrection in Canara, etc.," of the previous April, was dissolved in December by the successive retirement of the two General Officers, the Military Members, and by the Medical Certificate granted to the Civil Member on the 5th December.

I sailed for England on the 6th, and from Colombo on the 17th December. My Letter to the Government of the 23rd November, did not reach Madras before the 8th or 9th December. Its transmission was purposely delayed, in order that it might arrive at the same time as any letter, which the first Judge of Tellicherry might think proper to send, in reference to the observations upon his conduct in April, with a copy of which I furnished him. For several days before I sailed, the troops at Cannanore were

kept in readiness to receive Sir Henry Gough, ~~K.C.B.~~, the General commanding the Mysoor Division, within whose range and controul is the subordinate command of Malabar and Canara. Sir H. Gough's route and progress to these Provinces were, of course, regularly reported to Madras; so that the Governor in Council was apprised, at the time of General Fearon's retirement from the Commission, that there would be, *on the spot*, a Queen's Officer of high rank, independent command, distinguished character, acknowledged experience, and, moreover, an entire stranger to all the functionaries, Civil and Military, at Mangalore; if the presence of such an Officer had been at any time deemed indispensably necessary, as the head of the Commission, in forming and delivering to the Government a dispassionate, unbiassed, impartial opinion upon the melancholy events which had occurred in Canara, and in pouring oil and balm into the wounds of the unfortunate Natives.

32. Although the Governor in Council therefore was possessed of this information, late letters state that the Commission of Inquiry did proceed in the course of December, that it was reduced to a *sole* Member, and he, the Civil Member—whose state of health was such, that he was provided with a medical certificate to sea for eighteen months, and who, however able, and however estimable, was the known, the declared, and the intimate friend of some of the authorities at Mangalore, whose public acts and conduct formed the subject of his investigations. These circumstances now render it imperative upon me to place before your Honourable Court the particular Regulation (8 of 1822), under which the Commission, so constituted, was empowered and directed to act.

The title is, "A Regulation to rescind (certain) Regulations; and to make provision for the investigation of the conduct of the public Officers of Government, European or Native, when necessary, *in the way which in each particular case may be deemed* MOST CONVENIENT."

The Preamble is :

"Whereas the Rules of Regulations III of 1809, and II of 1810, prescribing a particular course of inquiry on charges, or information of corruption, embezzlement, or other high misdemeanor, against the European public Officers, employed in the several Civil departments under the Government, have been found to be inconvenient in practice, and otherwise objectionable: the Governor in Council has resolved to rescind those Regulations, and also Regulation VI. of 1818, supplementary to the before-mentioned Regulations, and to enact the following Rules, to be in force from the date of their promulgation."

~ II.

III. "Whenever it shall appear to the Governor in Council to be necessary that an investigation should be made into the conduct of any Officer of the Government, European or Native, relative to any alleged or supposed corruption, embezzlement, breach of trust, or any other gross malversation, or high misdemeanor, or violation of public duty, the Governor in Council will determine *by what persons, and in what way*, such investigation shall be made and conducted, *on consideration of the particular circumstances of every such case.*"

33. About the end of February, or the beginning of March, the Commission closed its labours, the difficulty and responsibility of which, from the first, must have been greatly lightened and lessened by the prejudgment arrived at, and placed on record, by the Governor in Council, relative to "*the causes of the insurrection in Canara, etc.*" On the 6th April 1837, the Criminal Judge reported in the very words doubtless he had heard the principal Collector use, that the latter, at Mangalore, had not "*the slightest idea of any spirit* of disaffection existing in the District" (Province.) On the 19th January 1838, the Governor in Council at Madras, is pleased to observe: "It is a well-known fact that, for *many months previous to the outbreak*

above spoken of, the District of Canara was infested with large armed bands of robbers, though *not certainly* in the immediate vicinity of the scene of insurrection. From those bands, it does not appear *too much to suppose*, that the force which attacked the town of Mangalore was principally recruited."

34. Contemporaneous with the termination of the Commission, appeared in the Gazette the removal of the principal Collector and Magistrate of Canara, and his promotion to the higher, more dignified, and more lucrative Office of second Judge of the Court of Appeal and Circuit for the Centre Division. So far back as the previous July or August, before the orders from Bengal, directing a Commission to be assembled, were received, this Officer had arranged, with the customary tacit consent of the Government, an exchange of Provinces with the principal Collector of Salem; thus adding the weight of his own irrefragable testimony, to the conviction all men felt, and his best friends warmly urged, of the propriety and necessity of his removal, *at that time*, from Canara. On the present occasion, eight months after, in conveying the promotion, for which he had applied, and in communicating the *public* reasons on which it was grounded, the Governor in Council is pleased to advert to "the repeated insubordinate and unjustifiable conduct," of the Collector, "and to declare that it will be *more advantageous* to employ him in a situation, where his want of discretion will be *less detrimental* to the public service." Such is the approved official formula, by which, at Madras, a displaced Collector-Magistrate, is raised, promoted, and transmuted into a Circuit Judge.

35. There are, there must be, fresh among the Madras records at the India House, the trial, almost recent, of Ramiah, "a NATIVE OFFICER of the Government," the head Sheristadar of Coimbatore, and the very first Native in rank, character, and consideration, throughout that large Province. This Native Officer was tried by a European

Commission held under the same Regulation, consisting also of a *sole* Commissioner, *he, his accuser*, the Collector and Magistrate of the Province, and his Superior; and as the Regulation enjoins, "*in the way which in his particular case was deemed most convenient.*" The way was, that this Native Officer, of the highest rank and station among a million and more of his countrymen, was suddenly seized without warning or accusation, suspended from office, separated from all his family, kept a close prisoner in his house, debarred access to any person whatever, all his private papers and letters, all his accounts, all his books, seized and carried off,—the houses of all his relatives, all his friends, searched and ransacked, in order to discover a trace of evidence to criminate him; depositions against him extorted by fear and threats; every word and every act of his life, public and private, sought, traced, and hunted out, to be tortured into a matter of charge; in fine, every oppression, every cruelty, every indignity, which tyranny, whetted apparently by baffled malignity, could devise, was heaped upon his defenceless head. Not for days, nor even weeks, but for many months following, was this Native Officer knowingly subjected to this treatment, before the Board of Revenue, the Superiors of his accuser and Judge, interfered to mitigate its rigour. At length, at the expiration of about three years of open shame and intolerable disgrace, this Native Officer was wholly acquitted, not of crime, not of guilt, for *suspicion* was, from the first, the *sole* matter of charge against him; he was acquitted of all suspicion of "*violation of public duty:*" he was so wholly acquitted, both in India and by your Honourable Court, that he is now, under your express sanction and authority, the first and the only Native of Madras, who has been raised to the office of Assistant Collector. If the record of his trial were effaceable, I cannot but be persuaded that your Honourable Court, individually and collectively, heard the ample and authentic details of the treatment he suffered

from the mouth of Mr. John Sullivan, whose head Sheristedar for eight years in Coimbetoor Ramiah was, and as he there left him, loaded with the highest praise.

Was the voice of your Honourable Court heard in the farthest corners of India, denouncing in accents of thunder the treatment, called a trial, of this high Native Officer? Did any Gazette, any publication, any paper, accessible to the Natives, appear, filled with your Honourable Court's indignation at this conduct; reprobating it, not as being illegal — for what conduct to a Native is illegal? * — but as being worse than illegal, as being cruel, unfeeling, and unmanly? No, not only you preserved over all the silence of the dead. Be not surprised, therefore, for the blame is not theirs, if the Natives are prepared, nor if they have been fully prepared, to hear your voice now resound at Madras, fraught with loud echoes of the praises, the thanks, and the General Orders, which have been lavished and published on all the deeds and achievements at Mangalore.

36. Such, then, to sum up all in a few brief words, are

* Regulation II. of 1802, sect. 10: "The Zillah (local) Courts are prohibited from entertaining any cause which, from the production of a former decree, or the records of the Court, or other instrument, shall appear to have been heard and determined by any former Judge, Superintendent of a Court, *Collector, or other public officer*, having competent jurisdiction or authority."

Sect. 11: "The Zillah Courts are prohibited from interfering *in any respect* in any cause or matter of a criminal nature, declared cognizable by *the Magistrates* of the several Zillahs, the Courts of Circuit, or the Fonjdary Udalut, or any Courts for the trial of cases of a criminal nature, that now exist, or *which may hereafter be established*."

Sect. 15: "If a Native, or any other person not being a British subject, shall consider himself aggrieved under any established Regulation, by an act done by any of the officers of Government described in Sect. 7 (Collectors of Revenue and their Assistants, &c.), pursuant to a *special order* originating with the Governor in Council, or the Board of Revenue or Trade, *the officer by whom the act may be done shall not be liable to be sued for it*."

the Governor in Council, whom European British subjects, that is to say Englishmen at Madras, are expected to reverence and obey; such the Judges of Circuit, the Judges of Civil and Criminal Justice, to whom alone they are now made amenable in all cases not capital; such the Collector-Magistrates, alone exercising police jurisdiction over their persons, and vested with revenue authority over their properties.

37. But the fate and fortunes of these aliens in India, however indissolubly bound up with all the future hopes and prospects of that great country, however certainly the corner stone of all solid, rational, belief in the easy, secure, and permanent retention of that, her fourth vast Empire by Great Britain, are as dust in the balance, when weighed against the condition, present and to come, of its millions of Natives. If Englishmen, the ornament and security of every other region on the globe which they are suffered to inhabit and improve, be the bane and the ruin of India, and if it be thought at Madras that, although it be unavoidable legally to tolerate, it is indispensable practically to proscribe them, let them be proscribed. But the Natives cannot all expatriate themselves; the Natives cannot *all* go to Demerara, to Jamaica, to Australia, to Mauritius, to Ceylon, to the four quarters of the earth, where outstretched arms are beckoning them to come in thousands and tens of thousands, and offering, as an irresistible inducement for life-transportation, abundant food for their starving bodies, and ample occupation for their idle hands.

38. For the wants and necessities of those among them who, resisting these allurements, prefer dwelling and descending to the grave in the land, wherein their forefathers dwelt in honour and died in peace, for thousands of years before your rule, some attention, some consideration, will be pronounced to be due. The most instant, the most urgent, the most pressing, of all those present wants and necessities is, that their sacred — sacred because helpless — cries of

local injustice and oppression shall directly reach your Honourable Court and the people of England, through the channel of persons, who shall be linked to them by the ties of a common caste, a common country, a common language, a common kindred, and more than all, and above all, these requisites, by the ties and sympathies of a common humanity. Let me, therefore, most humbly and most earnestly implore your Honourable Court to blot from your recollection that it is an Englishman who is addressing you : let me intreat you to banish from your minds the individual — obnoxious if he unhappily be — who has been driven before you to state their wrongs : let me, with respect not to be surpassed, beseech you, solicitous as you are of knowing their wants and of supplying their necessities, and valuing, as beyond human price, the future peace and repose of your own breasts, to do a blessed violence to your imaginations, and to see before you, not him, this individual, but one of your Native subjects, a Native of Madras : to see, only, one of these Natives, who has left his home and country, and appears a suppliant in your presence, bending under the load he produces of official proofs and documents, establishing in characters ineffaceable, the cruel sufferings and calamities in which thousands of his fellow-subjects have been plunged, wholly innocent as they were, even in thought, of all crime and of all guilt towards the British Government : proofs showing that, under a reliance upon your anticipated silence and tacit approval, more than the law's vengeance has been let loose and wreaked upon their persons, their liberty, their homes, and their property ; in order that this signal punishment, proclaimed to the world as the due of traitors, might hide from the light of day the knowledge of the conduct of the Officers, Civil and Military, at Mangalore ; whose meeting, whose resolution, and whose attempt, to abandon the Capital and the Province of Canara, that trust confided to them by the British people, more than a whole day before a man opposed to them

appeared, caused universal panic and confusion throughout the whole Native population, far and near; which panic and confusion, inevitable from such conduct, were afterwards seized upon, to represent and to convert a mob-rising of, at first, a few ignorant wild men, into general insurrection and civil war.

As the first and immediate reparation of wrongs and sufferings such as these, and as an eternal barrier placed by the virtue of your Honourable Court, against the recurrence of the dishonour which has been brought upon the name of England, this suppliant prays, that your Honourable Court will not suffer another dispatch to depart for Madras, without conveying in it your positive and peremptory orders to the Governor in Council, to elect and immediately to cause two or more Natives to take their seats, now and in all time coming, as Members of the Council of Government at that Presidency.

39. It is this first and indispensable act of justice and humanity, this instant protection against the perpetration of similar wrongs and outrages which the Natives of Madras, with all respect and with all humility, now beseech at the hands of your Honourable Court, entreating that their cause may not fail from the weakness of the advocate.*

* The acts of the Governor in Council will best show his disposition to give effect to the injunctions of the legislature, which has ordered, that no Native shall be excluded from holding any office, by reason of his birth, caste, colour, or religion.

In January, 1837, the Government acknowledged the receipt of a Memorial, from the Native Gentlemen of Madras, praying to be enrolled as Justices of the Peace, with or without emolument. Four months after, a public paper, the Madras United Service Gazette, informs the world—“The acts of Lord Elphinstone’s Government, from the day of his arrival in India, have deservedly gained him golden opinions from every class of society. It is our highly gratifying task to announce, that the Right Honourable the Governor’s Private Secretary, on the 3d May, made known that, with reference to an address presented to him by certain Native Gentlemen, seeking to be admitted as Justices of the Peace, Lord Elphinstone had been pleased to accede to the wishes therein expressed,

But, whether his pleading be successful or spurned, whether it be read or despised, your Honourable Court will, he trusts, acquit him, after your having withheld, for four

and that he had determined to include the names of three Hindoo Gentlemen in the commission about to be issued (here follow the names) three of the most wealthy and respectable Native Gentlemen at Madras. Heartily do we congratulate these Gentlemen on the honour that awaits them, and in all sincerity do we rejoice at seeing the road to distinction thus gradually opening to the Natives of this Presidency."

Madras has been in the possession of the British Crown for upwards of two centuries (1630.) It is the capital of a kingdom far larger and more populous than many kingdoms in Europe: its population has been rated at 400,000 souls. It is here seen that, in the fifth year of the Charter, after a pause of five months, a Governor is said to win "golden opinions," because he has discovered that *three* Native Gentlemen, *the most wealthy and respectable*, may be placed "on the road to distinction," by being nominated Justices of the Peace. Three persons out of 400,000; out of a population twice as large as that of Glasgow, the second city in the United Kingdom! If there be no more Natives fit for this titular office, what can be said for the Government? if there be more, what can be said of the mockery offered to them and to the Natives at large by the parade of selecting three after five months' choice?

Such are the great and numerous distinctions showered upon the Natives of Madras as the meed of unblemished lives! As to their masters, the European functionaries, the following is another signal public instance of the sure and solid rewards which await, and which the Governor in Council fails not to make an occasion for bestowing upon, desert among them.

On the 8th May, 1838, the Fort St. George Gazette notified the promotion to the dignity of Acting 2d Judge of the Court of Circuit and Appeal for the Provinces of Malabar and Canara, stationed at Tellicherry, of the Criminal Judge who, on the 6th April, 1837, just one twelvemonth before, had reported to the Governor in Council his "safe embarkation" and arrival from Mangalore, and the more than probable massacre of all the Europeans and Sepoys by the insurgents! The vacancy for this promotion was made, by sending the 2d Judge of that Court, the same Judge whose public conduct on the Commission at Mangalore the Governor in Council had stigmatized as "vexatious," "discreditable, and injurious to the public service," to preside over another Commission assembled three hundred miles off, and nearer to Madras, a place filled, one would suppose, with functionaries as fit, or

months, from his former letter the honour of a simple acknowledgment, of having voluntarily sought again to intrude upon your notice. You will, he doubts not, arrive

who ought to be as fit, as he for the duty; by again sending off this Judge at the hottest and most unhealthy season of the year, when it was certain that he, or the Natives he would be obliged to take, must suffer from the malignant fevers which, at that time, infect the jungles they would have to travel through. Even this will, perhaps, be pronounced "too bad!" But there was, as there is, in the same Court another, *the third*, Judge, who, while the Criminal Judge of Mangalore (looking *only* to time) has served ten years in India, has served twice the same number of years in those two Provinces; who, throughout those twenty years, has never suffered a day to pass over his head without devoting a part of it to the exemplary discharge of his duty. It is fit that the name of this Gentleman, an example of public duty, conduct, and integrity, be known: it is W. B. Anderson, Esq. of the Madras Civil Service. This act, therefore, the promotion of the Mangalore Judge, ten years his junior, but fortunately brother to a Member of Council, having first accomplished the punishment of the 2d Judge, was not considered complete without the supercession and degradation of such a man as the 3d Judge, put upon him in his own Court, and before all the Natives of the two Provinces. Of course, in a few months, the instant his service expires, he quits the country for ever, making way for a College-writer to govern it, stimulated by the twofold example set before him. But can there be any other design, in deliberate, premeditated acts like these, than to try how the Natives shall be brought most to abhor, and most to despise, a Government capable of them? Such an act proves, that that Government holds *them* to have neither feelings nor opinions on the occasion. What voice did make itself heard in Council I know not; after the appointment had been duly made and publicly appeared, it was subsequently cancelled.

To show how utterly blind that Government is to the plainest indications of public feeling manifested by the Natives, even under its own eyes, and how fatally ignorant and indifferent it will one day be discovered to be, to all their opinions and sentiments growing up and maturing around it, I cannot refrain from inserting an address, which the Natives of Madras presented in Novr. 1837, to the late Governor of Ceylon; an island quite distinct from the Government of India, and in which six years of a wise and just administration have sufficed to introduce and give life to public reforms and general improvements, so wholesome and beneficial, as to have wrought a revolution well nigh

with him at the conviction that, whatever may be the consequences to himself, whether greater loss, or eventual ruin, or the breaking up of all the future tranquillity and

miraculous in the well-being of the people, and have made them, as the revenues of the island attest, and close observation will bear out, among the most prosperous, contented, and happy of any people in the world.

“To His Excellency the Right Honourable Sir ROBERT WILMOT HORTON,
Bt. C.C.H., Governor and Commander-in-Chief of Ceylon.

“RIGHT HONOURABLE SIR,

“The times are gone by when those, who wielded the destinies of India, regarded the welfare of its inhabitants as an object of secondary importance, if indeed they considered it at all worthy of their serious attention. The views of the former were opposed to the interests of the latter, and thus the rulers saw reasons, arising out of the unnatural position which they occupied with respect to the governed, to induce them to suspect the attachment of a conquered people; while to give additional magnitude to the evil, they looked upon them as too ignorant to desire, and too contemptible to deserve, any consideration. A change has come over the spirit of the times; other men have succeeded these monopolists of power, and better measures have been substituted in the place of a system of exclusive benefits; so that a more liberal policy has at length begun to identify the interests of Government with those of the millions committed to its protection. The principles of Government in operation are some of the causes of this alteration in the sentiments of those entrusted with the administration of the affairs of India; but the country is chiefly indebted for the improvement, which has already in part taken place in the condition of the people, to the good-will and exertion of a few enlightened Statesmen, who, liberating their powerful minds from the shackles of preconceived notions, justly base the stability of this portion of the British empire on the attachment of the people, and the prosperity of Government on the elevation of all classes of their Indian subjects, to an equality with themselves in the possession and exercise of political privileges.

“As Hindoos of this part of India, we exult in the prospect which opens before us, and rejoice to number your Excellency among the benefactors of our country. Though not immediately affected by the liberal principles brought under your Government into beneficial operation, as regards the welfare of the inhabitants of Ceylon, yet we know that their influence cannot be limited to that island, and that the moral effect of your noble example will extend beyond it, and be felt in the councils of

amenities of his private life, the time is imperatively come when, to address to your Honourable Court the words he used to the Government of Madras, "to preserve silence on the subjects of this Letter would be treason to the People of England."

I have the honour to be,
Honourable Sirs,
Your most obedient, humble Servant,
And in India,
Your faithful, devoted subject,
F. C. BROWN.

LONDON, 26th OCTOBER, 1838.

the Legislative authorities of this part of the country, and thus by its indirect influence and necessary tendency, ultimately carry forward the final emancipation of India; the foundation of which is already laid in the recognition of the liberties of the people by the Legislative provisions of the Charter. But in you, the Natives of India have had a zealous defender of their privileges, and one memorable occasion in which you prominently stood forth as the champion of those privileges in the island of Ceylon, shall never be forgotten.

"Thus being endeared to the Native community, you are justly regarded as one of the best benefactors of an ancient and numerous people, who have adopted this mode of expressing, however feebly, their sincere regard for your person and respect for your virtue. We, the Hindoos of Madras, cannot of course represent the whole body of the Natives of India, but we are confident that we are not alone in the expression of the attachment and gratitude to which you have entitled yourself.—We do not, therefore, scruple in the name of the community, to wish you a safe return to your native country, and the enjoyment of every possible happiness and prosperity.

"We have the honour to subscribe,
"Right Honourable Sir,
Your Excellency's most obedient and humble Servants,"
[The Signatures.]

(Note A. Page 23.)

TO THE REGISTER TO THE COURT OF FONJDAREE
UDALUT.

SIR,

FORT ST. GEORGE.

1. I have the honour to request that the Judges of the Fonjdaree Udalut will do me the favour to submit the following remarks to the consideration of the Right Honourable the Governor in Council, with a hope that he may be pleased to review the severe expressions of disapprobation conveyed in the Extract from the Minutes of Consultation under date the 24th ultimo, copy of which reached me on the 4th instant.

2. The Governor in Council declares, 1st, that he has a "very unfavourable opinion of my conduct;" 2d, that I have "given way to private feelings and idle notions of dignity;" 3d, that I have acted in a manner which is "highly discreditable" to me, and calculated to "prove injurious to the public interest;" 4th, that my proceedings are the less excusable, as I cannot plead inexperience or ignorance of what was expected of me; 5th, that my interference was vexatious; 6th, that I have previously rendered myself obnoxious to the censures of Government, for precisely similar conduct; and, in conclusion, I am warned, that a repetition of *such* proceedings will be visited by a more decided mark of the displeasure of Government.

3. The second of these declarations appears to be the most serious, as it impeaches my veracity; for I am sworn to act on public grounds. In the 9th paragraph of my proceedings of the 20th June, I declared, that it was "not my wish to embarrass the Magistrate, or to interfere unnecessarily with the execution of his duty;" and, in the 5th paragraph of my letter to you, dated the 24th June, I (in reference to observations of the Magistrate regarding "conduct not characterized by good feeling") disclaim any other feeling "than what duty prompts."

4. As the Court of Fonjdaree Udalut give me credit for right motives, on a view of what was submitted to them, the opinion of Government may, perhaps, be founded on something hastily introduced into

the Magistrate's addresses to Government, the language of which is declared to be "objectionable." However the case may be, I trust that I shall not be denied a declaration of the grounds on which the decision is founded, if the Right Honourable the Governor in Council, on review of what is already before them, and what I now submit, should still adhere to so unfavourable an opinion of me.

5. As evidence that my conscience has acquitted me, and that I have full confidence that even the Magistrate would not deliberately attribute to me unworthy motives, I have to refer to the correspondence annexed to this marked A., in which it will be seen that, on receipt of the observations of Government, I requested him, not only to state whether he was of opinion that private feelings influenced me, and, if so, the grounds thereof, but also to declare whether I had not, upon all occasions, co-operated with him in the most cordial manner.

6. Mr. ——— has not made so explicit an acknowledgment as I expected. It, therefore, devolves on me, to say, that I have repeatedly brought to his notice good and bad conduct of his public servants, observed on trials before the Special Commission, and that he has acted in many instances on my information, in dismissing, or rewarding; that I have communicated to him all information, relating to the rebellion, which appeared to me of use and interest, whether noted on trials, or obtained from private sources,—and that I have offered suggestions, which my information and experience of Canara, extending to a period of fifteen years, led me to think might be useful. In short, I have omitted no opportunity of trying to aid him in his duty. When even my authority had been opposed and was in abeyance, I informed him, by a private note, (only a few days before I received the censure of Government,) of the case of a boy, son of a prisoner under trial, and only ten or eleven years of age, having been in confinement nearly four months, and, thereupon, procured his release.

7. In proof of the above assertions I can appeal, if necessary, to extensive correspondence (chiefly private), and to the testimony of my colleague, who knows how carefully I have studied to avoid irritating the Magistrate's (to me well known) susceptible temper. The correspondence which I annex, marked B., will show what my disposition was, even at the time that our official difference was under reference to superior authority, and after the Magistrate's reflections in his return to my Precept.

8. I confess myself unable to discover the grounds for imputing to me

"idle notions of dignity;" and I hope they may be pointed out for my correction, as I disavow any disposition to assume authority, while I consider it a duty to insist on respect for that which is clearly delegated to me. My observation on the seal can hardly be alluded to, I think ; for, as the Government have deemed it necessary to limit the size, by printed Regulation, it appears to be my duty to require observance of the order. I would beg a patient comparison of the terms of my notice of it, and of the Magistrate's reply.

9. With regard to my interference being called "vexatious," I humbly request a re-perusal of the whole of my demands made (in the usual form of Precept), after two letters from the Magistrate had led me to believe that he had not made due progress in ascertaining whether there was even slight ground for detaining each person whom he had in custody. The first demand is comprised in these few words of the 8th paragraph of my Proceedings of the 20th June, viz. for "*a list of all prisoners who have not been brought to trial, the dates of apprehension, and grounds for detention, according to a Form,*" which shows that the information required was very slight: the second was "*to state whether one Pudmaya Shetty had been charged on oath with any offence, and, if so, the particulars thereof, as well as the date on which he was charged, and that on which he was apprehended. If no charge on oath had been taken, the grounds for his detention to be stated.*"

10. The last requisition arose from a special application to me, after two petitions to the Magistrate were alleged to have failed. So little was I disposed to interfere, without actual necessity, that I desired the petitioner to repeat his address to the Magistrate (as stated in the 4th paragraph of my letter to you of the 24th June), "because it was likely that pressure of business might have prevented the Magistrate from giving attention to his first."

11. On making my other demand, I stated, in the 5th paragraph, that "the Regulations, as well as the first principles of justice, obviously require that the Magistrate should lose no time in making a list of all persons in his custody, or confined under his orders, showing the date of apprehension, and the cause for it. It is very possible that, amid so much confusion, innocent persons may have been arrested." These observations remain uncontroverted by any of my superiors. The correctness of my surmise, that the innocent might be so suffering, is proved by the case of the boy, noticed above, in paragraph 6; by the fact, that Pudmaya Shetty, whom the Magistrate said (in his Return of the

24th June) that he had "informed the Government that it was *not* his intention to release," was discharged on the 15th July (as his brother, the petitioner, informed me in open Court); that *numbers* were released by the Magistrate, daily, immediately after he made his reference to Government against my interference (but not before), that only lately four Madras Coolies (who bought stationery for the public offices) were released after having been confined (as I am credibly informed) without the slightest ground for suspicion; and that in case No. 14, the 6th prisoner, a youth, was actually sent before the Special Commission, without having been ever confronted with an accuser, and no one would, or ever did, accuse him.

12. In the 6th paragraph of my proceedings, I showed that I had consideration for the heavy duties of the Magistrate, and had abstained from any demand for information, on the appeal made to me, nearly a month before, (when I visited the jail,) because "the number then in confinement afforded reasonable ground for conclusion that even a slight enquiry, to warrant detention, could hardly have been held in all cases, though even by that time much might have been done."

13. I proceeded to state, in the 7th paragraph, that I thought that the time for interference was come; and that I could "foresee no difficulty as to making sufficient enquiry to ascertain whether any have been groundlessly seized (a measure of obvious duty before this, as some have been taken so far back as the 6th April) since the Magistrate, Joint-Magistrate, and the two Assistants, have all been at this station for a considerable time." And in the 10th paragraph of my letter to you, of the 23d June, I observed, "If Captain Le Hardy, the sole European civil officer in Coorg, could send up 189 prisoners (who arrived *here* viâ Cannanore, eleven days ago) with such particulars as I have required, it can hardly be considered unreasonable to expect as much from the Magistrate of Canara, with so many European Assistants." The Magistrate appeared to me to be wanting in *method*. The examination of the 189 prisoners, I had every reason to believe, was but an inconsiderable portion of the duty which had fallen to Captain Le Hardy, who was without assistants.

14. The only answer which the Magistrate made, to the demand of a superior authority, which (in his Return of the 24th June) he admits did "not contravene the Regulations," is this: "The Magistrate wishes to avoid collision with the Circuit Judge; but finding this almost incompatible with his requisitions, he has determined to apply for the orders of the

Government." The 6th and 7th paragraphs of my proceedings were calculated to show him that I was open to reason. Had he, then, evincing a disposition to yield the obedience which the Regulations require of him, complied as far as he could with my demand, and proffered weekly or other periodical additions, I should have given due attention to his representations, as may be inferred from the latter part of the 3d paragraph of my letter to you of the 24th June, where I observe, "He does not deign to represent his difficulties, and request my consideration of them, and a consequent extension of time for making his Return."

15. In the 9th paragraph, I gave additional grounds for my interference, stating that I was aware "that the Magistrate had a large body of men under a Military guard, independently of 237 whom I found in the regular jail of the Zilla, *who may have no friends, or other means, to bring the hardship of their cases to my notice, and (consequently) before the higher authorities*; and, as, further, I had heard of *most distressing cases of despondency (which may naturally be expected when there are such frequent instances of persons being led out for execution)* I considered it an urgent duty to call for such statement without further delay."

16. Having quoted Regulations and an order of the Fonjdaree Udalut, whereon I felt bound to interfere; and the force of them not having been questioned, I conclude that my interference must have appeared "*relaxious*" with reference to time only; in regard to which it was for me to exercise my judgment, as prescribed by my oath; the Regulations affording me no guide, but, rather, strongly proscribing delay. Though the grounds which I have noticed (in the 12th to 14th paragraphs) for my thinking that the time for interference had arrived, may still be considered erroneous, I trust that I shall not, merely on that account, be deemed obnoxious to such censure as has been applied to me. Even the Bench of Judges of England, "learned in the law," frequently differ in opinion, though unbiassed, honest, anxious, AND UNDER CHECK OF A VIGILANT PUBLIC; and, in every sphere of life, such differences are to be found.

17. I regret that pressure of business has prevented me from preparing this address earlier.

I have, &c.

(Signed) _____

Mangalore,

Second Judge, Western Division.

11th August, 1837.

Fonjdaree Udalut.

No. 282.

TO THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

I am directed by the Judges of the Court of Fonjdaree Udalut to transmit to you copy of a letter addressed to this Court by the Second Judge on Circuit in the Western Division, together with the copy of the correspondence which accompanied it, and which the officer requests may be laid before the Governor in Council for his consideration, with reference to the extract from the Minutes of Consultation, under date the 24th of July, 1837.

I have the honour to be, &c.

(Signed) _____

Fonjdaree Udalut, Register Office,
16 September, 1837.

Register.

ORDER of GOVERNMENT, dated 28 September 1837, on Fonjdaree
Udalut Letter, No. 282.

No. 918.

The Governor in Council sees no reason to alter the opinion expressed in the Minutes of Consultation, dated the 24th July last, No. 668, upon the conduct of the Second Judge and the Magistrate. From the tenor of the former gentleman's communication to the Fonjdaree Udalut of the 31st August 1837, it might be supposed that the Government, in censuring him, had absolved the Magistrate from all blame, whereas, in fact, they are both included in the animadversions which the Government felt bound to record on the occasion, and it is observed that the censure passed upon the Magistrate's conduct is the stronger of the two.

(Signed) _____

Chief Secretary.

On the 30th November, after His Lordship the Governor's return to Madras, the Second Judge made another appeal, the courteous answer

to which merits to be contrasted with the language of the first reply from "the Governor in Council."

TO THE REGISTER TO THE COURT OF FONJDAREE
UDALUT.

SIR,

FORT ST. GEORGE.

1. I have the honour to request that the Judges of the Court of Fonjdaree Udalut will submit to the Right Honourable the Governor in Council the following further appeal on my behalf against the censure recorded on my conduct in the Minutes of Consultation of the 24th July last.

2. I have deferred making it till this time, partly on account of pressure of duty, and partly because I did not wish to intrude on his Lordship's time immediately after receiving (on the 8th ultimo) copy of the order, dated the 28th September, on my former appeal, it appearing probable that on his return to the Presidency, many matters of importance would claim his immediate notice.

3. I trust, however, that His Lordship in Council will now be able to give his attention to the subject of my appeal, and that he will deem it deserving of his serious consideration, since it has been imputed to me that I have been so regardless of my oath as to have "given way to *private* feelings and idle notions of dignity," whereas I have asserted, and with all respect I do assert, that I acted purely on public ones (for which the Fonjdaree Udalut have given me "full credit"), and I have requested that I may be shown the grounds on which improper motives can be imputed to me.

4. No person of honourable feeling can quietly submit to a simple imputation against his veracity. Mine has not only been impeached, as above shown, but my conduct has been pronounced "*highly* discreditable," and I labour under a threat, the operation of which appears to me to be avoidable only by entire submission to the pleasure of every Officer, whom the Regulations bind me by an oath to controul.

5. In the twenty-seventh year of my service, under a full consciousness of constant zeal for the interests of Government, a Judge of a Provincial Court for nearly eight years, I request merely that the same justice which (under Section 16, Regulation II. of 1802) is the due of

every party in a suit for a few rupees, may be accorded to me; my character, the highest property of man, being the matter affected by the decision.

6. My request, for information on the grounds on which I was condemned, has been met with the mere observation, that the Magistrate was also censured, and more strongly than I was. That, however, I beg to observe, can be no satisfaction to me, when urging my claims for justice to my own character. I acted towards him, as I conceived that duty required, and on his resisting, I pursued the course dictated by Clause 3, Section 40, Regulation IX., of 1816, by bringing his conduct to the notice of our superiors, that he might be dealt with as they might think fit.

7. I therefore trust that His Lordship in Council will re-consider my letter of the 31st August last, and comply with the requests therein made.

I have, &c.,

(Signed) _____

Mangalore,

Second Judge on Circuit.

30th November, 1837.

ORDER of GOVERNMENT, dated 3d February, 1838.

The anxious desire evinced by the Second Judge to have the censure recently passed upon his conduct removed, is considered by the Right Honourable the Governor in Council to be most creditable to his feelings and character, both private and official, and His Lordship in Council, in allowing him the full benefit of the explanations which he has offered on the occasion, is willing to believe, as asserted by him, that his proceedings were influenced by zeal for the public service.

(Signed) _____

Chief Secretary.

(Note B. Page 50.)

Lest I should be suspected of dealing in fiction, the following are, *word for word, in the original English*, (a few unimportant clauses omitted,) sanctioned by the Madras Board of Trade, presided over by a Member of Council, the

RULES for the Collection of the SEA CUSTOMS of the Provinces of Malabar and Canara, and for the Guidance of the Managers.

CUSTOMS.

1. Duties are to be levied on all Exports, Imports, and Trans-shipment of Goods, on British vessels, or on vessels belonging to Natives of the British territories, or to subjects of the Native powers of Asia, and to be subject to the following Rules :—

Imports.

2. Duties on Imports are to be levied according to the value in the Tariff. 3. The duty is 8 per cent. on the value. 4. A certificate from any port or place under the Government of Madras is to be taken in full, or *part payment*, of this duty. 5. These certificates, when produced, are to be examined by the Tariff of *these Provinces*, and the goods imported are to be valued by our tariff; if they are more valued *by our tariff*, the difference must be taken, and upon the rowannahs, or certificate which is produced, must be written “the rates of duty,” “the total value,” and “the total customs,” and then a receipt must be given according to this form on the old rowannahs.—(*Here follows the form on a stamp.*)

Imports for Exportation.

6. Any person importing goods, and declaring he intends to re-export them, must deposit the amount of the duty. 7. —. 8. On the re-exportation of such goods, two-thirds of the duty will be returned, if the goods are exported in *six months*, passed through the custom-house, included in the manifest of the export cargo, and in the same package as imported in; if not so done, then no part will be returned. 9. —.

(These six months were afterwards shortened to three.)

Import Duty.

10. Goods imported from ports and places *not* under the Government of Fort St. George are to pay import duty of 8 per cent. on the tariff price. 11. —.

Exports.

12. An export duty is to be levied on all the goods laden on British vessels, or vessels belonging to British settlements in India or Natives of Asia. 13. The export duty is to be 8 per cent., except on the articles which have a particular duty (varying from 15 to 18 per cent. on all the most valuable articles of produce), and are in the list at the end of this. 14. The duty is to be levied according to the tariff price. 15. The certificate of the *inland duty* is to be received in part payment of the sea duty. 16. —. 17. Goods exported *from one part of the Coast to another*, between Cochin and Sedashagur, having paid duty, are to be allowed to be re-exported in *fifteen days*, otherwise must pay duty again on exportation.

(Cochin and Sedashagur are the limits, south and north, of the two Provinces, and include a coast-line of about 400 miles, or one-fifth that of Great Britain. Grain and rice, the universal food of the people, were not excepted from this rule, a sample of a *Madras corn-law*.)

Private Baggage.

18. —. 19. Private baggage is not to pay duty, but it must be really baggage; any piece of cloth not cut up for use, and all things not of the description of private baggage, are to pay import duty.

Trans-shipping.

20. Goods trans-shipped from one vessel to another shall be charged with duties the same as if the goods had been imported. 21. As this may be hard upon the traders, when they object, the Managers will tell them to apply to the Collector, and state all circumstances; then the Collector will order according to what may appear proper, and report to the Board of Trade. 22. Goods trans-shipped without permission of the Custom Manager, or shipped on any other vessel, than mentioned in the permit, are to be charged with double duty, and if done to defraud the circar (Govt.), to be confiscated. 23. Applications for to trans-ship goods, must be in the following terms. (*Here follows a form of twelve columns.*)

Manifest and Port Clearance.

24. —. 25. The commanders or supercargoes of any vessels, being a European, is to deliver his manifest and port clearance at the Custom-office. 26. The commanders and tindals of all vessels being Natives, are to deliver true accounts of their cargo, and port clearance, to the Managers at the Custom-office, and if any doubt of the truth, the Manager will inquire of the broker, and if there is still any doubt of the truth, must then make him deliver a list of the cargo according to the account of the tindals, and require satisfactory proof from him. 27. After the manifest is seen, and port clearance is seen by the Manager, and found all proper, then he is to give permit to land the goods. 28. If the port clearance is not produced, no permission to land or trans-ship from the vessels is to be given, unless they pay fine of 25 star pagodas (£10) on given security for the payment of the fine. 29. —. 30. —.

Certificates.

31. A certificate of the export duty having been received, shall be given in the usual form under the seal of the Collector of Customs, and signed by him, or by his deputy, and countersigned by a sworn clerk of certificates, and also signed by the Managers of the port where the duty was taken, and sealed with the port seal of the manager. 32. —. 33. Where certificates have the part payment of the duties in another certificate. the amount so in part received, and the numbers of the certificates are to be inserted under the head of Government Customs received, and a memorandum made of the amount, date, and number of the certificates, and place granted at made at the bottom of the certificate. 34. —.

General Rules.

35. —. 36. The Managers are to take care that no goods are landed or shipped, except at the place appointed; and if they find any so landed or shipped, they are to seize the same, and report the circumstance directly to the Collector or his deputy who is nearest the place at the time, and await order. 37. Goods and merchandize which should pay duty, passed, or attempted to be passed, without paying, are to be seized and confiscated. 38. —. 39. Any persons giving information to the Custom officers of any goods smuggled, will be entitled to share of the amount for which they sell. 40. The produce of the sale

of goods to be divided in future, after deducting the duty which should have been paid, one-half to the Collector and his subordinates, as the Governor in Council pleases, one-half to the Custom officers who seized the goods and the person who informed; if no informer, all to the Custom-house officer who seized them. 41. When the goods seized may be returned on receiving double or treble duty, then, after deducting the proper duty, the rest to be divided as above between the informer and the Custom officer. 42. —. 43. The Managers are to seize any goods landed, or shipping from the godowns of the merchants, or others, without permission of the Collector, or his deputy, is produced on writing, and report it as in Rule 38. 44. The Managers are to give permits to boats to be employed in trans-shipping goods, besides the permit given to the merchant to trans-ship the goods; and if any goods are trans-shipped in boats that have not got such permit, they are liable to confiscation. 45. The Managers of the Customs, and all other persons belonging to it, are to do according to the Rules in the Boat Regulations, and seize merchandize on board unregistered boats. 46. The Managers must cause the Custom Peons to do their duty according to the rules for them. 47. When a merchant intends to export, a durkast, or manifest, is delivered; it sometimes happens that the goods *cannot be shipped*, and the merchant then requires back the duty he has paid on that quantity which has not been shipped, the Managers are *not to return the duty*, but to acquaint the merchant he must give proof to the Collector or his deputy that he was unable to ship it, and then what is proper will be ordered. 48. —. 49. —. 50. The Managers of the Custom Department are to give good security for their personal appearance when wanted. 51. If the security do not produce the persons they are security for, then they will be held answerable. 52. —. 53. The goods are to be searched, weighed, marked, and counted between 9 o'clock and 4 o'clock; but as on this Coast the time of shipment must, for the benefit of trade, be allowed when the boats can go off, and in places where there are rivers, when the tide serves, from sunrise to sunset is allowed as the time for shipping the goods which have been examined. 54. —. 55. —. 56. The monthly accounts are to be made up on the 25th. 57. —. 58. —. 59. The Managers are to make themselves acquainted with the trade of the port they are stationed at, with the price of all things selling, buying, with the exchange of the money. They are to make all the people under them obey, and take care of the circar (Govt.) interest; and if they do not,

they are to acquaint the Collector; they are not to be excused any neglect, by saying, "I told to do so;" they must take care it is done. They must obey most strictly the orders they receive, and read often, till they properly understand. They must take care that the people do not throw any stones in the river, or build banks without permission; they must prevent people from building opposite or round the Custom-houses, so that they cannot see around. They must see the boats employed in carrying merchandize are good and proper; they must attend to their duty, and, by so doing, themselves and families will get good.—
(*Sic orig.*)

E. P. BLAKE,
Collector of Customs.

Mangalore, 12 July, 1812.

RULES for Levying Duties on the Trade of Foreign European States.

1. Foreign European ships belonging to any nation at peace with the English that has got settlements in India, may trade with the British sea-ports; but if they intend to trade to Europe, they must go straight to their own country in Europe.
2. Foreign European ships belonging to any nation that has not any settlement in India, and American, when at peace with the English, may trade to British ports, if they come direct from their own country, without touching anywhere except for refreshments or from distress. The papers of such vessels must be sent for inspection to the Collector of Customs, or his deputy.
3. The above vessels are not to go anywhere but to their own countries, and there unload.
4. The commander or supercargo of such vessels must give a bond, with the security of a merchant who lives at the port where the ship takes the cargo, with penalty of 100 rupees per ton (£10) that she delivered the cargo in the port bound for; when the certificate is produced that such has been done, the bond is to be made null and void.
5. The above vessels are not to be allowed to trade along the Coast, but may take in part of the cargo at one port and part at another.
6. A certificate for inland duty is to be taken in part payment.
7. Goods *trans-shipped* are to be liable to the same duty as if imported, but the Collector of Customs may alter this, if it is hard to the trade.
8. —.
9. —.
10. —.

E. P. BLAKE,
Collector of Customs.

RULES for the Peons and Kolkars (officers) of the Sea Customs.

1. The Peons employed in this department must be young, active, and vigilant. 2. They are to find security for their good behaviour. 3. —. 4. —. 5. —. 6. They are to take care that no boats are employed at night, except by particular orders, or in case a ship is in distress. 7. They are to search the goods, and to take care that no goods pass but what have been searched, and are regularly brought to the Custom-house yards. 8. —. 9. The peons are to seize all goods passing without paying duty. 10. Such goods they are to deliver to the Manager, and mention all the circumstances; and then, if confiscated, they will receive one-half of the price of them. 11. If any person informs of persons smuggling, the Peons must assist, and half of the price of the goods seized will be shared between the Peons and the person who informed. 12. —. 13. They are to inform the managers of any persons who fill up rivers by throwing ballast into them, or build walls in the rivers, &c. 14. They are to prevent any goods being landed or shipped after sunset, or before sunrise. 15. —. 16. When necessary, they are to go on board of vessels and demand of the commander to let them see there is no smuggled articles on board. 17. If any are found, they are to have them landed, and carry them to the Custom-house. 18. —. 19. —.

E. P. BLAKE,

Mangalore, 12 July, 1812.

Collector of Customs.

These are the Custom-House Regulations, which I found strictly enforced in Malabar, on arriving there to reside.

The then Governor of Madras was Sir T. Munro. Some years before (1817) he had visited that Province as Revenue Commissioner, for the purpose, in official phrase, "of developing its resources;" the resources of India being developed *not* by the skill, the labour, and the capital of the people, but by the periodical visits of the tax-hunter. It was impossible but that Sir T. Munro must have visited some of the Sea-Custom-houses, as well as the Inland, and there have seen these Regulations. This being the case, I conceived the best way of drawing attention to them was to send them to the Court of Directors. I accordingly transmitted an attested copy to the late Mr. Rickards, with an earnest re-

quest that he would bring them privately to the notice of the India House. Mr. Rickards informed me he had lost no time in putting them into the hands of one of the most influential among the Directors, — this gentleman shrugged up his shoulders, and took no other notice whatever of them. Nearly fifty consecutive years' proofs have I in my possession, of the same censeless, persevering, continued attempts, made by father and son, to render important services in every department of the Government, without the least desire of notice or return. What is the reward of all? To be driven from my property, or to consent to live on it upon the condition of being an object of scorn and contempt to every honourable mind, and of loathing to myself. But that is beside the present case.

It has been seen that the express orders of the Court of Directors, the Supreme Lords of the soil, are, to begin by taking from the land of India, as *direct tax*, "*the whole surplus produce in all cases,*" and *that in money*, determined by their own Collectors, without the least respect either to the immemorial practice of the country, which always fixed the demand upon the Native, *in produce*, or the smallest reference to the great and regularly progressive increase in the value of money, as compared with produce, which such a tax must inevitably generate and perpetuate. The Custom-House Rules enforced show that, in the Maritime Provinces of Madras, where the sea is the only highway, the *indirect* tax fixed upon every article whatever of produce, except the most valuable, which are liable to 15 or 18 per cent., is an export duty of 8 per cent., besides Stamps and Fees, levied upon them, when taken from the interior coastways, for sale at the nearest port, if it be but a mile; that this duty is again exacted if, at the expiration of a short time, the produce remaining unconsumed, it is transported for sale from the first to any other port in the *same* Province; and that if the produce be transported, *within the time allowed*, for sale in any *other* Province, it is there subjected to duty, *as an import*, agreeably to the different Tariff of that Province.

In order to make the operation of such a system plain and palpable, let it be applied to any other country in the world—to Scotland, for example—no larger than many Indian Provinces. Let us suppose the Government of Great Britain to take in the first instance, in money, the whole rental of the land of Scotland; to take it from every acre and every fraction of an acre in every parish in that kingdom; to collect this money at every county town; and, monthly, to send every farthing, except the fraction

(36 shillings) spent in each parish, to be hoarded in the Treasury at Edinburgh: let us suppose that there are no roads,—therefore, no carts, in the country; that all the inland traffic is by porters, with tolls at every bridge and at every ferry, at which a Native with only a bundle in his hand is considered as a loaded animal, and pays double toll every time he passes, the European and his suite paying nothing. (Some years ago, the tolls levied in Malabar, lying in the Treasury, amounted to 60,000 Rupees, a sum which, judiciously expended, would have made many, many miles of excellent roads. What was done with it? Every Rupee was carried to account as *surplus revenue*!) Let us suppose a Custom-House erected at the mouth of every stream, and river, and accessible spot on the coast from the Tweed east, to Solway Firth west; at which every article of produce passing sea-wards is stopped for 8 per cent. duty, besides stamps and fees: let us suppose this to be called *an export* by sea, and the same articles, if subsequently taken to another port in Scotland, if from Leith to Dunbar, to be subject to a fresh duty of 8 per cent.: let us suppose the article taken to any port in the adjoining counties of Cumberland or Northumberland, and to be there stopped, as *an import*, and taxed with fresh duty, besides stamps and fees, according to a *different tariff* in that county: let us suppose the articles to be so met and stopped at every port in every different county coastways, all the way to London: let us suppose all the coin of Scotland so collected directly and indirectly at Edinburgh, to be transmitted periodically to London: let us suppose that it is the return trade (imports) from London to Scotland, placed exactly upon the same footing as the trade outwards, which must bring all this coin back to Scotland, during the eight months of the year that the Coast-Navigation is open; while, during ten months of the year, the Government is rigorously calling upon the people in the remotest parishes and hamlets to pay monthly the direct land-tax, and their tax on every house and shop, in this coin, under pain of having their moveables and immoveables sold, and these failing, their persons imprisoned: let a man suppose two necessities of life, Salt and Tobacco, to be Government Monopolies: let him suppose all these, only the most striking points of the system, to be applied to Scotland, and then let him say whether the marvel would be, not that the people were almost uniformly quiet, patient, and submissive under such a Government, but that the standing miracle would be, that the whole country was not one deadly, perpetual, and endless scene of riot, insurrection, and bloodshed from one end to the other.

There is that country, there are the people; let any candid, impartial man, desirous for the truth alone, go among and question *them*, and then let the truth of what I have here adduced and stated be gainsaid.

If, with the same desire, he wishes to consult on the subject high modern authorities, writing above all suspicion of prejudice, partiality, or local interest; discarding all preconceived notions, he has only to read with patient attention two very moderate-sized works: the first, "The present Land-tax of India," by Major-General Briggs, an Officer who for many years filled several of the highest civil situations under the Government: the second, "Notes on Indian Affairs," by the late Honourable Frederick Shore, a Judge in Bengal; whose untimely death I conceive to be one of the greatest calamities which has befallen India, and as a public loss to his country.

"

(Note C Page 51.)

Even such afflicting details will convey nothing like a correct idea of the incurable condition in which these desolate countries now become plunged. There is left in them nor seed-corn, nor plough-cattle, nor money to buy them with. The Government is obliged to turn money-lender, and make advances for seed, and cattle, and present food, to the remnant of the population, taking receipts for the future repayment of the advance, called "*tuccavi*," the name by which this fatal remedy is disguised, yet the only remedy there is to stay the pestilence. Of ten Rupees "*tuccavi*," which the Collector advances, through the agency of course of hundreds of Native officials, the starving village cultivator may get three, passing a receipt for ten (or not getting one if he refuses), which sum is entered against him in the public Accounts. The Revenue is partially remitted for one or more years; but "*the Jamma*," as it is called, or *fixed assessment*, remains unaltered in the Accounts, as the standard to be reverted to and demanded, together with the advance, whenever there is a prospect of realizing them, all or in part. A very few years are sure to bring round a "crack" Collector, or a want of rain. If the first, he issues peremptory orders, desiring *all* outstanding balances to be collected, under pain of dismissal, to his Native subordinates, and to show *them* he is in earnest, he carries every fraction of their pay to

the public account, as revenue collected. This I have positively known to be done. I have known arrears of 19 years' standing exacted by the Collector himself. From the nominal debtors? No, not at all; they were mostly dead and departed; the arrears were exacted from whomsoever was found in actual occupation or possession of the land. I have seen these men confined for days and days together, until, wearied out with the persecution, they paid the demand, and—then starved with their families for the rest of the year through, while the Collector received the highest praises for his zeal and ability.

If the country be a bare, open country, the recurrence of a failure of rain, partial or total, is inevitable, in consequence of the *physical* character of the climate, produced and perpetuated by the same system; hence, as inevitably, a recurrence of famine. No Native toiling for his scanty daily food can dream, under such a system, of planting a tree, which would require 15 or 20 years to yield him fruit. If he were such an idiot as to plant one, he knows he would have to pay assessment, just the same, for the ground it stands on and covers. “When a *fulid* contains a few tamarind, kikar, or other productive trees, you will make NO DEDUCTION for the land under their shade, because the ryot (occupant) derives a profit from them.”—(Sir T. Munro's Instructions to Revenue-Surveyors, Rule 15. Would that men of sense and feeling would read all these rules and judge for themselves of their operation!) Thus, the fact of there being a fruit-tree in the open fields in India (a crab-mango, worse than a crab-apple) is *proof* that it yields a profit! The Government, the sole Landlord, of course never thinks of planting a tree for fruit, or shade, or for one of the ameliorating uses of soil and climate, for which trees, in the wise economy of nature, are the indispensable agents. What then is the consequence? The soil, incessantly cropped without manure, becomes exhausted of its fertilizing constituents. But the capacity of a soil to absorb and retain moisture depends entirely upon its fertility, upon the proportion of fertilizing constituents which it holds. As soon, therefore, as the scanty crop is off this exhausted soil, the fierce sun darts down, unobstructed, and destroys and drinks up in a few days every trace of vegetation and moisture. Then are generated and arise the hot winds, the Simoom of India, sweeping night and day over the arid, adust, wastes, loaded with fire and sand, making respiration an effort, and existence a burthen. If, from some cause difficult to trace, but certain to recur, the fiery blast continues to rage beyond the usual months of suffering, the rain-fraught clouds, instead of being condensed

and descending in blessed drops at the wished-for time, pass over, and leave the devoted country a prey to all the horrors of another famine.

Although I have witnessed this result from partial experiment, I shall cite in support of its inevitable occurrence, far higher and abler authority, and refer others, who may still feel doubts as to the universality of a great physical law, or who think that the profound purposes of Nature are meant to subserve the crude and cruel theories of man, to the history of New Holland; where uniform experience has shown, that the destruction of the trees in a tract of forest has invariably been followed by the desertion of rain and moisture from the tract. (See Lang's New South Wales.)

"The *character*, as well as the *temperature*, of a climate must depend very much on the quantity of rain which falls, while the *quantity of rain* and the *vegetation of a country* mutually act on each other as cause and effect. This interesting fact we will explain by an example :

"Let us consider an extended plain of sand in any tropical country, as Africa. The sun will heat the surface and the air; but the earth, accumulating the heat more rapidly and more permanently, will communicate to the lower portion of the air a greater degree of temperature than it would otherwise have; and, from a well-known law, this heated portion of air would ascend, and its place be supplied with colder air coming from a distance, which would, in its turn, become heated, and rise, producing a constant current upwards of hot air. Now this current of hot air would prevent the clouds passing over the spot from condensing by cold and rain; hence no rain would fall on the parched soil, and it is certain that, without moisture, little or no vegetation can be produced.

"But if the plain consist, instead of barren sand, of some earth favourable to vegetation, the last would screen the earth from the accumulating heat. Little or no current upward would arise; either clouds would be condensed in the higher regions, and rain would fall, or the vapours would be condensed by the colder vegetable clothing, and this dew would accelerate the growth of fresh plants, till in time a forest might cover the former naked expanse. These trees would still farther shade the earth, and preserve its moistened surface from evaporation; it would also attract moisture, and consequently keep down the temperature of such a country."

So total and complete is the revolution which is gradually being wrought in the climate of Madras, that, for the last fourteen successive

seasons, there has not been known what is called "a good Monsoon;" that is, there has not fallen the quantity of rain which used to fall every year between October and January, and the perennial regularity of which is attested by the tanks and embankments constructed there, as generally throughout India on every advantageous spot, not only as reservoirs to retain the periodical rain, but as vast basins to receive swollen streams, diverted into them from running waste to the sea. Coincident nearly with this change, in the character of the climate, have been the visitations of the Cholera, which never wholly cease, and have there been more rife and fatal, among the Native population, than in almost any other region swept by the scourge.

Thus it is, as the impartial inquirer will find who directs his investigations to that great country, the cradle of human civilization, that, by uprooting the foundation of civil society, coeval with, and arising with all its relations from, the institution of private property in the soil, and incapable of being rested on any other solid and permanent basis than the sacred and inviolable recognition of this right in the descendants, by whatever legal title, of those who first felled the forest and peopled the waste; short-sighted rapacity, like the earth devouring her children, is sure gradually to convert the fairest regions on the globe into little better than howling wildernesses; by usurping a dominion which it is impossible for Sovereign Power, from its constitution, its paramount duties, and its unavoidable ignorance, to exercise in any other manner, than by entailing irremediable evil and misery upon the victims whom it despoils, at the same time that it degrades, in the course of one generation, to the abject moral and physical condition, whence centuries alone of struggles and of experience could have enabled them, or any other people, to emerge.

The European instrument of this spoliation, sent over the waste to hunt out land-revenue, but parting in vain for repose or rest, or stricken to the heart by the fatal climate, beholds the scene with unutterable loathing and abhorrence; and although stumbling at every step on monuments attesting the wealth, the industry, and the civilization of the former myriads who peopled it, he doubts whether the beneficence of Providence can have designed such a country for the habitation of civilized man. From blasted inanimate nature, he turns to the wasted forms of animated existence he now sees around, cowering at his presence; he denies that beings, who accept of life on such terms and conditions, as living there as they live, can be possessed of the feelings and sentiments

which entitle them to rank in the creation in the same scale as that to which he himself belongs, and hence, incapable as they are of resistance or remonstrance, he learns, by degrees imperceptible to himself, to debase them by treatment, which his better nature would revolt from bestowing upon the dog which crouches at his feet.

If from India the enquirer turn to Great Britain, in whichever way he directs his regards, he will find that this same system of impolicy and injustice is gradually enveloping and coiling round the permanent greatness and prosperity of his own country, in sure, hidden, deadly, and inextricable folds. If he look at the far West, he will see that the system has forced into existence, in little more than forty years, one production alone, the staple for centuries and tens of centuries of India, as it would still be in supplies wholly illimitable from the unfettered land and labour of one hundred millions of Natives; and that Great Britain, not merely for the continuance of her commercial predominance, but for the hourly maintenance of her domestic tranquillity, is rendered dependent upon receiving from America three-fourths of the cotton which America, by the labour of 600,000 slaves, has now been brought to produce (1,600,000 bales); the possession of which staple, doubling as its growth there does every nine years, must, in the same rapid progress of time, hurried onwards by the gigantic growth of capital, enable this rival to supplant and ruin British Manufacturers in all the marts of commerce they now frequent, as she already successfully competes with them in some the most distant and profitable, those of Africa and China.

In the extreme East, upon which all classes of the empire, from the peasant in his cottage to the Prince on the throne, depend for an indispensable necessary of life, he will see that, by the proscription of the *far cheaper* cotton of India; supplied with which the British Manufacturer would, at the hour that is now passing, have clothed the hundreds of millions of the population of China, from Canton to the Great Wall, in peaceable, friendly, and most beneficial exchange for their tea; the British Merchant is beheld setting at defiance, and waging armed war against, the established laws of a vast Empire, for the purpose of forcibly introducing into it, as almost the only equivalent he can procure, a most pernicious drug (opium) which that Empire deems it a duty peremptorily to prohibit, as being alike fatal to the health and the morals of its people; he will hear the Merchant calling loudly upon his country to avenge by the sword the personal insults and contumelies heaped upon him, because this Empire, averse to war, yet mighty in its strength, will

no more than tolerate a race of men, whom their conduct obliges it to regard in the light of a band of hardened smugglers, nor suffer them to inhabit any other spot in the country than a despised, remote corner of a few hundred yards extent, nor to hold intercourse with any but the dregs of its populace.

If the inquirer ask whence is derived the supply of this noxious commodity, if he demand, what its necessity? he will learn, that it is all derived from India, that the Government of India it is, which retails the poison to the Merchant, after first erecting it into an odious and vexatious Monopoly upon the Natives, and that it is that Government which defends and maintains the *necessity* of the monopoly by the declaration that, deprived of this resource, India in its hands would be bankrupt!

These are only a few of the results, in one or two branches of commerce, which await the candid and impartial inquirer after truth, who calmly traces no more than the obvious effects of the system of Government, pursued towards the Natives of India, upon the great and solid interests of Great Britain; these are the results which he will find awaiting his investigations; this is what he will discover, instead of beholding such a spectacle as the world never before beheld, but which it would now behold—the spectacle of his country flourishing as the seat of a commerce so vast, that her present unrivalled greatness, maritime and manufacturing, sinks by the side into utter and worthless insignificance: a commerce and an industry which unbeheld, exceed all the powers of the imagination to grasp in value or in extent; but which would now exist, made palpable to the senses by the certainty of living demonstration, if a course of enlightened wisdom, impartial justice, and strict moderation had ruled India in leading subserviency to her own interests, demonstrably proved to be the plain, the real, and the cardinal interests of Great Britain: by giving to the millions of peaceable, industrious Natives of that great country, all they asked in return for a willing and cheerful obedience, and all that they now ask, entire security of person, and the right conceded and inviolably preserved to every other subject of the British Crown, whatever his caste, his complexion, or his country, the right of tilling, unmolested by the Government or its myrmidons, that soil, which the plainest understanding must perceive, no Government on earth, nothing but the capital, the labour, and the knowledge alone of their forefathers, could have redeemed from the waste, could have converted into *the property*, which the Sovereign-lord now seizes as *his own*, and have made it the habitation of man.

But if such would now be the commercial spectacle presented by Great Britain, had this just and simple course of rule been followed, the boundless moral and political consequences which are growing out of, and impending in both hemispheres, from the rigid and cruel adoption of the very opposite one, defy alike human sagacity to trace, and human fortitude calmly to scan. For if the whole recorded past be any guide in conducting us to a knowledge of what the ways and the unerring justice of Providence will assuredly be in time to come, retribution has inscribed it in the opening page of Great Britain, as fearfully and as plainly as the handwriting on the wall, that in this system of impolicy, rapacity, injustice, and oppression, pursued towards a mute and defenceless people, are being sowed wide as the earth and irradicably deep, the seeds of revolutions, of convulsions, and of events which, in the swift maturity of time and the fulfilment of a laboured doom, must sap the prosperity of this Queen of Nations, and lay all her greatness low.

“ Then come it will, the day decreed by fate,
How my heart trembles as my tongue relates!
The day when thou, Imperial Troy! shalt bend,
And see thy Heroes fall, thy Glories end !”

This vast and most melancholy subject, which saddens all the past history of India, and darkens all the future with its portents, has, in spite of myself, grown under my pen.

F. C. B.

[See Postscript at the end of the following Letters.]

LETTERS,

&c. &c.

T~~EL~~LICHERRY, May 31, 1837.

TO THE SECRETARY TO GOVERNMENT IN THE SECRET
AND POLITICAL DEPARTMENT, FORT ST. GEORGE.

SIR,

It has long been notorious to the well-informed part of the community, European and Native, throughout Canara and North Malabar, that the real nature of the events which have lately occurred in the former Province, seems to be known to all but the Government. The alarm and dismay* which were felt and exhibited at Manga-

* Relation given by Captain Burtall, of the ship Eamont, on his arrival from Mangalore at Tellicherry.

"On the 5th of April, while standing into Mangalore, I was hailed by Mr. ———, who said, he feared that Mangalore was in possession of the insurgents, and the civilians and garrison massacred. Shortly after, I saw several other boats pulling out. The Harbour-master and Mr. ——— came on board; the former said the boat, in which the ladies had embarked, had drifted ashore and gone to pieces, and that the ladies had been all night on the beach. Mr. ——— came from the garrison; he said the enemy were momentarily expected, and requested

lore, may possibly be held to palliate the colouring that was given to those events in the first official reports. But the reign of such sentiments, one would hope, would have been the briefest; and upon their extinction, upon the subsidence of even all imaginary alarm, one would suppose that scores of official pens would have hastened to place the plain, unvarnished truth before the Government; first, from the obligations of duty; secondly, in order that no generous precipitation should present the Government to the world, as hurrying by its approval to identify itself with a course of conduct which, since England has been England, is believed to be nearly without parallel.

Sir, I know not how casuistry explains away this reserve, whether under the name of a prudent reticence, or of a discreet regard for the reputation of individuals, these individuals being public men, and their conduct public property; but this I know, that, in the language Englishmen think and speak, such silence seems to be an unpardonable tampering with the credulity of the Government; nor shall it be said, while there is an Englishman on the spot cognizant, as he believes, of the truth, and able to tell it, that he also stood aloof, and countenanced by his privity the

aid. I went on shore with Messrs. ——— and ———; met two boats containing ——— and ———, and ladies; directed them to the Eamont. I afterwards met a boat, by which I wrote to my mate for the guns. Into this Mr. ——— got. At the mouth of the Backwater I met Mr. ——— with ladies in a state of very great alarm. We got to the position taken up by the garrison at the very moment the lines (the Sepoy's huts) and some houses were fired. *Resistance was considered hopeless. The confusion on shore was great.*

"On the 30th of March, three officers and 150 men, accompanied by Messrs. ——— and ———, went out to Pootoor, 40 miles distant, and took possession of the traveller's bungalow. Large bodies of insurgents were on the heights. The party were besieged for two days, and there being no hope of relief, and the water cut off, they retreated. They were fired upon by the enemy from under cover, for about eighteen miles; the Subadar major, several Native officers, and about fifty men were killed."

delusion which is entertained on this very serious subject.

The most leading and marked among the events I have alluded to, that which doubtless made the greatest impression upon His Lordship in Council, as it at first made upon all who heard of it, were the attacks on Mangalore, "by 5,000 or 12,000 rebels in arms!" I will not trust myself with saying one word, upon my own authority, of this occurrence; but shall here insert, *verbatim*, an account of these attacks given by an eye witness, a native of Mangalore, in a letter to his father then residing in this town, an account intended only, as will be seen, for the information and satisfaction of the writer's own family.

Mangalore, April 15, 1837.

MY DEAR FATHER,

I know that you would have been glad if you had heard from us earlier, and I regret that I could not write before, because the post was shut to us up to the day before yesterday, and yesterday we had no leisure to write, having to attend to our duties. I hope, in God, that you are doing well; as for us, every one at home is quite well, thanks to the Almighty.

I have never thought that Mangalore would fall into such distress. It is a pity to see Mangalore in its present state. The greater part of the inhabitants have fled the country. Several have lost their houses and property. The best buildings at this place are reduced to ashes, and every man complains that he has lost something. I shall give a short account of all that passed here.

On Monday, the 3rd inst., while I was in Court, we received information of the defeat of a detachment of Sepoys, who went to Buntwal on the night of the preceding Friday, on hearing of a disturbance there. At the same time we heard that Coorg people were advancing upon the town of Mangalore. This news alarmed the whole town, and every individual was so anxious for his safety, that some went on

board Pattamars, and others, who could not hire a vessel, proceeded to the sea-shore. Perhaps you will think we were safe from the infection ; no, it was general.* We, and some other families, among whom was that of our neighbour ———, procured a Pattamar, wherein we remained from Monday night to Wednesday morning, intending to sail for some neighbouring port, in case the enemy should make an attack upon us. Every hour that we were on board, we received information that "*the devil Apparampara was coming ;*" but one day and two nights passed quietly without his making his appearance ; and considering that the news were false, we began to be tired of the Pattamar, particularly as the owners thereof, taking advantage of the occasion, had raised the freight so much, that each night cost us all about twelve rupees. We, therefore, landed on Wednesday morning about eight o'clock. We had scarcely arrived at home when we heard that the Coorg people had marched as far as the other side of the Oollaul river. To know whether this was true, I ran to the Marine-yard ; and after I saw them with my own eyes, I did not lose a moment, but ran home, and gave the information to every one. We removed all the moveables from the house, and placed them in the garden, that, in the event of the house being fired, the property at least should be saved ; we were afraid of the house, because the Sub-collector's Cutcherry was near, and it was very probable they would set fire to it. Within a quarter of an hour the

* A gentleman wrote, " I have had a long conversation with a smart fellow who quitted Mangalore on Wednesday. His account of the proceedings is deplorable, and evidently pretty correct. Not the least attempt at 'bundobust' by proclamations and patrols of Peons, during the two days and a half from the return of the Sepoys, till the attack was made!"

An official report stated, *that for the three days previous, nearly the whole of the Judge and Collector's establishments had quitted Mangalore, "and that the duties of every department had ceased to be performed !"*

Coorg people appeared, and halted near uncle's house; and here they are said to have made a bow to the church (the Roman Catholic Church), and a moment before the Coorg people were seen in numbers about 2,000 near the signal staff; and, at the same time, we perceived several houses on fire, and among them the large house of Mr. Sheffield. The people then advanced as far as the Court-house (old), and then the Sepoys, whom the number of the enemy had perhaps frightened out of their wits, and who were going up and down the Old Fort, as if at a loss of a proper place to take their station, entered Mr. Hudleston's compound, and an Officer with some Sepoys went to meet the enemy, who had now arrived near the Barracks; while another Officer followed his example, and proceeded with a few Sepoys near the Mess-house, where he halted, and fired a volley of balls at the men, who were ranged near uncle's house; one or two men fell on the spot, and the rest immediately dispersed and ran different ways; but the Sepoys followed them, and killed many. More than a hundred fell in the river, while they were attempting to cross it, the Sepoys firing from the shore into the boats. Those who came as far as the Barracks from the Milagres side likewise ran away, as soon as the Sepoys fired at them, but few of them fell; but the slaughter was very great among those who came from the Bollar-road. I pity their case; they were mere Ryots, and were forcibly brought by the Ringleaders; and I heard from a boy, who lay wounded on the road, that the greater part of the men were inoffensive villagers, and that nothing but the fear of death at the hands of the rebels, not only of themselves but of their family, induced them to join in the insurrection. Among them I even saw some who could not walk but with the aid of a cane; others had scarcely any instrument in their hands but sticks and clubs; and one of twenty was armed with a matchlock, and some carried large coythas, or bill-hooks. Yet they were setting up such alarming "*coooks*"

or cries, that they frightened the town with it, more than with their number of arms; and I think that THAT was the best prowess of their military skill. But with all this, and the extent of their number, they fled at the fire of a few Sepoys,* who, had they known their courage before, would not have suffered them to step into Mangalore; but they thought they were the same that defeated them at Buntwal. But that was a jungle and this a plain. Of the second attack I have nothing more to say, than that the Sepoys had more courage than before their success on Wednesday; the day of the second attack was Friday, and we were at home on this day, but on Monday we went near Pascoa's house. The fire of the Sepoys did not last more than a quarter of an hour, and soon the enemy retreated; and since that day they have not made their appearance again; and if they now make another attack I should be very glad, for there is now sufficient force here, and they will receive a good drubbing. But I think he is not so foolish as to enter Mangalore now. About 800 men with some guns arrived here on Wednesday last from Cannanore, and on Thursday we received 200 men with 60 cavalry men from Nuggur. Among those who came from Cannanore, there are 200 Europeans; and this morning we have received a further reinforcement from Bombay, consisting of 300 Sepoys; and 200 Europeans are coming in the rear. Now we are not afraid, and you must not have much concern about us.

I, and every one at home, request your blessing, &c. &c.

I remain

Your most obedient and affectionate Son,

* * * *

Excuse haste and the handwriting.

* A letter from Mangalore reported that, "*after hard fighting*, they completely drove away the insurgents. Two guns landed from the Eamont did tremendous execution." (Of the two shots from the guns, the Natives declare that one struck a tree, the other a house; but the report was quite enough, and sent "the rebels" scampering away.

Such, Sir, is the account given by this lad of the attacks on Mangalore, on the 5th and 7th of April, 1837. I request His Lordship in Council to pause upon the graphic picture of the occurrences, as detailed by this impartial witness, prejudiced, if at all, in favour of his own townsmen, and of his own superiors, and to compare it with the narratives which have been transmitted by others. In this there is nothing meant for the eye of His Lordship in Council, nor for the public; the writer, a Native, describes what he actually saw, and describes it in his own words, to his own humble family circle. The people of Mangalore have dwelt in profound peace for nearly forty years; their town is the seat of Government, and the capital of the Province, populous, wealthy, and civilized. I ask His Lordship in Council to think, for a moment, upon the state of entire disorganization into which this town was thrown, of the terror into which its inhabitants were suddenly plunged, of the utter insecurity and defencelessness they all felt, when all those who could, imitating the example set to them, deserted their houses and property, and took refuge in boats and Pattamars, or fled miles away; and this too, *two whole days and nights before* the shadow of "a Coorg" was descried! And when, at length, these formidable enemies did appear, when these warriors, not one of whom had been seen since the 2nd of April, did venture to come forth, with numbers vastly augmented by success, even the writer of this letter, who probably never saw 500 men assembled together in a body, rates their whole number at 2,000, states that only one in twenty had a matchlock, the rest bill-hooks, sticks, and clubs, that the armed and the unarmed trusted to their shouts, as their most terrible weapon, that the greater part, poor Ryots, only waited for a discharge of blank cartridge to fly to their homes in the jungles, and that the whole body did fly on the first volley of ball from the Sepoys!

All these facts and occurrences, detailed by this eye-

witness to his family, indisputable and irrefragable as I firmly believe them to be, will appear incredible to His Lordship in Council. Well may they so appear, and would that they were incredible! But the sequel remains to be related, and I shall relate it the most succinctly I can.

“The Rebels,” who compelled a party of 150 Sepoys to retreat from Pootoor in the dead of night, were at most 170 or 200 men, armed with bad matchlocks, and provided with a scanty supply of wretched ammunition, and about 200 or 300 Ryots, some of whom may have had bows and arrows.

This fact is established by the testimony of Devappah, the head Sheristedar of Canara,* who, with several others, was captured by “the rebels” at Pootoor, and remained with them nearly a month. But the same information was given to me at this place on the 3rd of April, by a respectable Koombla merchant, who had just arrived from “the rebels.” They had sent for him and for others of the chief inhabitants, and asked them to join the rising; their arms and numbers he and the rest then saw and noted.

Satisfied with having driven the troops from their own country, “the rebels” followed no further than Buntwal, sixteen miles from Mangalore, the limit nearly of the Jungle; and no one who knows the people or the country will suspect, that the former had any design of proceeding further, even if the absence of all design were not clearly proved by the fact, of not one of them having advanced until the morning of the 5th.† On the 3d, I believe,

* Devappah and his companions were deserted by “the rebels” on the advance of the Coorg Dewan, Bappoo. He stated, on his return to Mangalore, that they had not more than 200 stand of fire arms among them.

† The prisoners, on their capture, said in justification, that they were invited to Mangalore by the towns'-people, who told them there was plenty of treasure, and no troops to defend it. Whether the excuse

the unanimous resolution was taken, and all but unanimously subscribed in writing, by all the European functionaries, of abandoning Mangalore, undefended, to its fate !* Early on the morning of the 4th, the treasure (16,000 rupees,† *not* the powder with which the magazine was filled) was marched for embarkation to the beach, amid the hootings and revilings of the towns-people. Some of these insulted, calumniated people demanded in the hearing of the German Missionaries to be furnished with arms ; “ *they would,*” they said, “ defend the place,”‡ and received for reply ; “ Go, we can do nothing for you.” A part of the Sepoys, almost in open mutiny, to their infinite honour be their conduct recorded, were actually embarked in boats, and the whole of them, could boats have been got, would have been embarked and, together with their Officers and all the Europeans, would have arrived at Cannanore, the Military Head Quarters of the two Provinces, eighty miles distant, in the course of the same night, about twelve hours before a single “ rebel” appeared at Mangalore.§ From the want, however, of sufficient boats, the Sepoys were obliged to be marched back to their Barracks ; such their exultation, that one noble fellow rushed from the ranks, and clasped his Officer in his arms !|| and Mangalore

be true or the reverse, their advance *two days after* sufficiently proves the absence of all design on their part of approaching the town, previous to its reported abandonment.

* See the official letter which follows, wherein this resolution was reported to the Governor in Council, on the 6th of April.

† This is an error. The sum, I afterwards heard, was 80,000 rupees —8,000/.

‡ This circumstance was narrated by the Missionaries on their arrival at Cannanore. The treasure the towns-people would not suffer to be embarked, urging that they would have to answer for it to the rebels.

§ A party of ladies and children, sent from Mangalore on the 5th, arrived that night at Tellicherry, ten miles further south than Cannanore.

|| When the Sepoys were on the beach, and when in consequence of the boats proving insufficient for them and for their families, the Bugle

was obliged to be defended. What defences were thrown up, I know not. On the following morning, the 5th, the witless "rebels," trusting to the correctness of the news of the abandonment of the place, brought to them on the 4th, and not dreaming that a single European or Sepoy remained, advanced with shouts from Buntwal, as to a deserted town, received one discharge of musquetry from a few Sepoys, and instantly dispersed and fled. A part of them, in attempting to cross the river, having landed lower down at Oollaul, a suburb inhabited by Mapillas, were seized by these unarmed Mapillas, stripped of whatever arms they had and of every vestige of clothing but a Lungouty, or loin cloth, and bidden "to go now and make war!"*

Such is declared to have been the passage of arms at Mangalore, such the defence with which the name of His Lordship in Council is associated in General Orders, recording his encomiums† on the gallantry displayed against

sounded the Recall, the joy and alacrity with which the men marched back were unbounded.

* This scene was related at Tellicherry by some of the Hindoo inhabitants of Mangalore, witnesses of it.

† "Fort St. George, May 9, 1837.—His Excellency the Commander-in-Chief having transmitted to Government, reports of the operations of the detachment lately commanded by —, from the advance to Pootoor, at the requisition of the Principal Collector, to the second repulse of the large bodies of insurgents who attacked the town and cantonment of Mangalore, the Right Hon. the Governor in Council has much satisfaction in recording his approbation of the persevering gallantry with which the defence of that station was maintained against repeated assaults by superior numbers, and in the uncertainty of being reinforced or relieved; a defence which reflects great credit upon —, the European and native commissioned officers, and all ranks composing the small body under his command. His Lordship in Council directs that the favourable sentiments with which the Government are impressed, by their steady and soldier-like conduct throughout service of so harassing a nature, may be made known to the officers and men of the — regiment N. I.; and His Excellency the Commander-in-Chief is requested to call upon — to furnish, for submission to Government, a roll of those among the native commissioned officers, the non-commis-

the numerous assailants, 350 firelocks handled by disciplined men, against 200 matchlocks, 500 clubs, sticks, and bill-hooks, and 10,000 shouts! Such the exploit, which can boast, I hear, of having received the individual thanks of so distinguished a soldier as the Commander-in-Chief!—Five thousand men in arms! The whole of Canara could not produce them! The Canarese are not merely unwarlike, and unused to, but they are wholly averse to the use of arms*: and as to 5,000 armed men issuing from the jungles of Bellarrypet and Soolia, unless men with matchlocks grow there like forest trees, or the poor creature, Kallianappa the Hind., could raise them from the earth by a stamp of his foot, I can assure his Lordship in Council they are a physical impossibility. Would that the Commander-in-Chief could see a few of these warriors, examine their arms and ammunition, and look at them, loading and firing, with an Elephant for a mark!

But as a climax to all these incredible things, We, the people of the country, We, the subjects of this Government, have presented to us the spectacle, of the Officer who commanded at Mangalore being the President, and some of his brother Officers Members of the Court Martial† now sitting there, and trying for their lives, the poor, ignorant, misguided wretches who, on the faith of the departure of the Europeans and Sepoys, mustered up courage, and came to see whither they had gone! We see the Magistrate of Mangalore, the chief Civil Officer on the occasion,

sioned, and privates, whom he considers to have been particularly distinguished by their zeal and gallantry at Pootoor, during the retreat, and in the defence of the cantonment at Mangalore."

* When those who took refuge in Tellicherry were asked, why, instead of flying before such enemies as they described the insurgents to be, "wild men from the jungle," they did not remain and defend their houses and villages; "Fight!" they exclaimed, "what do we know about fighting? We have no fire-arms, and if we had, we do not know how to use them."

† The interpreter of the court was likewise an officer of the same corps.

committing capitally for the same offence, before another extraordinary Tribunal, others whom the summariness of Martial law cannot reach ! We see the Government, in the case of the former prisoners, abdicating its dearest prerogative of life and death, of justice and mercy, into the hands of the Officer Commanding the Provinces ! Good God ! Sir ! what a horrible spectacle ! His Lordship in Council does not know that public men, (there are most honourable exceptions,) seemed to take leave, for many days in April, of the senses God gave them ! Can I wish to disparage an old officer like the Officer Commanding ? But is it not known that he, who has never been less secure from attack at Cannanore than the Governor in Fort St. George, wrote to a lady living within a few yards of a guard of his Regiment, that he could not answer for the safety of her lamps, and advised their removal ? *

* The Officer Commanding the Provinces was empowered by the Governor in Council to confirm the sentences passed upon the prisoners by the Court Martial, and to carry those sentences into immediate execution, *without reference to Madras*. This Officer was nearly an entire stranger both to the people and to the country ; and I am aware, felt himself bound to be guided in his measures and opinions by the reports he received of the state of North Malabar, as well as of Canara, from persons whose information and authority he was not at liberty to doubt. That his persuasion, derived from these sources, and partly perhaps from what he saw in the Madras Papers, was, that the Natives around were generally disaffected and ripe for revolt, became manifest, by his ordering the Fort of Cannanore to be put into a state of immediate defence, a measure that was executed with equal skill, judgment, and promptitude. Nor was this belief confined to himself only ; for the salutation with which the Natives were received was, that they were “ a set of traitorous, treacherous villains, for whom hanging was too good.”

But the question which the Natives put, and which they solicit to have answered, is, whose letters and reports was it which thus spoke of them, which raised this general belief to their prejudice, a belief calculated to set their country, without remorse, under fire and sword ?

“ The extraordinary tribunal,” above mentioned, was a special commission, consisting of two Judges, dispatched from Tellicherry to Man-

Why, Sir, what more certain, than that you and I should be found with arms in our hands, defending our homes and families, had we been deserted as the people of

galore, to try the other prisoners, under the summary provisions of Regulation 20 of 1802.

As this Regulation is the Statute of Treasons under which the Natives are attainted for their lives in the Presidency of Madras, every dictate of humanity, as well as of justice, demands that its enactments be made known. They are as follow :—

- Clause I. ordains that, "Persons charged with treason, rebellion, or other offences against the State, may, in particular cases, be brought to immediate trial before the Court of Circuit, or *before a special Court*," named and convened by the Governor in Council.
- Clause II. The above courts, "consisting of three Judges and two Mahomedan law-officers, or *of any other number* of Judges and law-officers," are to take cognizance of these crimes.
- Clause III. The Courts to proceed like Courts of Circuit, except that their sentence is to be reported, before execution, to the Fonjdarry Udalut; and to be guided, in cases not provided for, "*by special orders*."
- Clause IV. Death or absence of *any* of the Judges or law-officers, *not to affect nor to interrupt* proceedings, even if *no other* judge be appointed.
- Clause V. The Fonjdarry Udalut to report sentence and proceedings, and await the orders of the Governor in Council.
- Clause VI. Magistrates to assist in expediting trials, and bringing offenders to justice.

These are the whole of the provisions of the Regulation. It will be seen by them, that the law is entirely devoid of every safeguard with which the universal experience of mankind has found it indispensable, in order to secure the rendering of impartial justice, to fence round the life of an individual charged with a crime against the state. Without the benefit of a Jury, or even of one independent Native Assessor, the Native accused of treason or rebellion under this law, has no right reserved to him of challenging any one of his Judges, English or Native, appointed by the Government, on any ground whatsoever; not on the ground of competency, qualification, knowledge, prejudice, nor integrity. Not a provision is made, not a precaution is taken, by which the accused shall be made acquainted and furnished with a copy, in writing, of the precise crime he is charged with, specifying the day, the time, the place, the manner of its commission, the names of the witnesses, and

113 2M 7

Mangalore were? What more certain than that, as long as we drew breath, we should never again trust their defence or our own to the same defenders? We might as certainly be

the written depositions against him. Not merely wholly ignorant of the law, but sometimes wholly ignorant of the language in which his trial for life is held, and, in his Judges, perhaps seeing Europeans for the first time, in this situation, in the state of mind in which he must thus be plunged, without a friend near, and removed miles away from his own country, not an individual of his own caste or complexion is assigned to him, to calm his terrors, and support his resolution; not a person is appointed, as an adviser, to inform his ignorance, to extenuate his guilt, or even to establish his innocence: nor is there a precaution publicly taken, that the presiding Judges shall be sufficiently conversant with some one of the native languages, as to understand his *vicá roce* defence for his life, and to detect the prevarications of approvers, whose hopes of pardon may be made to depend upon his conviction. And against whom, on the present occasion, was this law enforced? The native letter-writer describes the greater part of "the rebels" he saw at Mangalore, some of whom he conversed with, to have been "mere Ryots, inoffensive villagers, whom nothing but the fear of death for themselves and families led to join the insurrection." This is his description of them. The following is the description of an English eye and ear witness:—"Some of them say they did go, because their Potails ordered them; and they really look *spoony* enough to obey such an order without thinking of consequences." After these two descriptions, it is relief inexpressible to be able to reflect, from long personal knowledge, upon the character and qualifications of the two Judges, to whom was assigned the duty of trying these men.

But, as an index to the exasperated feelings which had been excited, and which existed, elsewhere, it is necessary to revert to the instructions which the Judges are related to have received from Madras. They were ordered to depart, and commence their task with the least practicable delay; for which purpose they were desired to communicate on their way with the Officer commanding the Provinces, who, they were instructed, would put them into immediate possession of the number and names of the prisoners to be tried, their crimes, the depositions against them, and the witnesses. This Officer, when applied to at Cannanore, wholly uninformed of one of these particulars, referred the Judges to the Officer commanding at Mangalore. To him they wrote. He proved to be an officer of the Bombay army, just arrived, an entire stranger to the place, and left, as he replied, without a record, note, or

seized with those arms, and taken prisoners by a posse of valorous Peons, every man of whom, imitating the example set to them, only more successfully, disappeared for several days; and upon their reappearance, were stripped of their badges, and told that the restoration of these depended on the number of prisoners they should capture and bring in! * What more certain than that, upon the evidence of any two or more of these men, we should be convicted, and if, in defence, we turned to the President of the Court Martial, and said: "We are innocent, we are not rebels, nor traitors; arms we had for own protection, and it is you, who drove us to have them;" what more certain, than that we should be led to an ignominious death?

Sir, let me earnestly implore His Lordship in Council to recall this fearful power of life and death, of which he has divested himself. Divested himself! He does not suspect to what deeds he may be a party. The human breast knows no such vindictive passion as fear. I have witnessed, and others have witnessed here, yes here, in Tellicherry, many days after the Bombay troops had reached Mangalore, a degree of alarm so great, that not

memorandum of any kind, to enable him to furnish any part of the information required of him, and which he was described to be quite prepared to give! In other words, the Judges hastened to Mangalore, and found no prisoners for trial; the senior Officer there, to whom they were sent, could not tell them who were the persons to be tried: the Officer commanding the Provinces, he who had received the power of life and death from the Government, could not tell them. What information the Government possessed, or could furnish, on the subject in their haste for punishment, may hence be gathered.

* The predicament obviously was, that not one of these Peons could be *discharged*. It would have been too much to make it a matter of crime against these men, that after seeing their superiors first send off their wives and children, and then follow themselves to the beach with the treasure, they, the Peons, did not wait to see when their superiors would return.

a hecatomb of victims would appease it! Will it be believed, no, it will not, that the removal of the public treasure from hence, notwithstanding all that had passed at Mangalore, was mooted and urged, the Assistant Magistrate being on the spot, and the Magistrate, responsible for that treasure, within a few miles! Is it not a miracle that the whole country was not in a flame? The Government knows not of, suspects not, conduct like this. Alas! Sir, it does not, and it delegates away, without appeal, the power of life and death!

I do not ask His Lordship in Council to credit, *on my authority*, a word of what I have related. I ask him to suspend his judgment; to call for all the Mangalore trials, civil and military, to read *them*, when he will see that I have not related a tithe of what will be established by the clearest evidence.* If my entreaty could have weight, I

* The following is the confession of one of the first prisoners tried before the special commission:

"The consultation to attack Bellarypet was held at Moodnoor, in Soolya, by K. Ramiah Gowda, the principal man, several Potails, and all the chief inhabitants of Amara Soolya, in number about fifty. Kallianappa came from the Poomalej jungle, with another Ramiah Gowda, and about 120 armed men. The whole party went to Bellarypet; the public servants and money were seized; Soobryah was sent with a force to Cassergode; the rest advanced to Pootoor, and repulsed the Sepoys. The rebel party here consisted of 200 armed men and 300 Ryots. From the Bungar Rajah's house, P. Antappa Shetty, and 200 armed men of Amara Soolya, advanced upon Mangalore. Many Ryots followed.—At the last annual feast at Adoor, Narsojee and a Caffree woman, who were in jail at Mangalore, sent a Cadjan to Soobryah, inviting him to attack the town. After the jail was opened (on the 5th of April), these two, with about 60 of the prisoners, joined Kallianappa. Three years ago, Apparampara was seized and confined for eight months in jail at Mangalore. He is the son of Rajah Appajee, the elder uncle of Veera Rajah, the last Rajah. On his release he was directed to go to Mysoor. I have heard that he was again seized and sent to Trichinopoly. Kallianappa was also seized and sent to Mysoor (Bangalore). He (*this Kallianappa*) is the son of the wife of Veer Rajunder Wadya,

would beseech His Lordship in Council, as he consults the honour of his own great country, and the peace and tran-

an uncle of Apparampara's: the *Kallianappa*, who attacked Bellarypet, is another person; he is the son of a woman who was kept by the above Veer Rajunder Wadya, and is about twenty-five years of age, rather a fool, short, dark complexioned, and somewhat pock-marked. At the last Nowaratree festival, three persons (named) went to Trichinopoly, to see Apparampara; they saw Kallianappa (the first one) at Mysoor. He told them to raise a force below the Ghants, that he would raise one above. He and a merchant raised a force to attack Merkara (the capital of Coorg). L. Narnappa, Dewan, heard of the plot from a slave, and gave information to the Sirkar. Guns were placed in Merkara, and a gentleman (a conductor of ordnance) fell from the ramparts and died. The force not appearing, the Dewan was disbelieved and put into confinement. Ramiah and the others, on this failure, were perplexed; when Ramiah exclaimed, '*If even a dog could be found that was born in the palace (of the Rajahs), this dog would do to raise and command a force against the Government!*' Munjya then said he would bring a person that was born in the palace; he went, and brought the Kallianappa, who attacked Bellarypet. For a month before the outbreak he was lodged in the Poomaley jungle. The Coorgs and the people of Amara Soolya (the rebels) are in great dread of cannon. When a ship came with a cannon, which made darkness with its smoke (the Hugh Lindsay steamer) the news spread through Coorg in a moment, there being posts at every three miles."

This confession was fully corroborated in every main particular by other unexceptionable testimony. In truth, every circumstance that was disclosed, every inquiry that was made, only added strength to the universal conviction, that "the rebels," from the first, were despicable in the extreme, as to means, numbers, and resources. In their desire for succour they wrote to the French Chief of Mahé entreating that he would join them with his forces, consisting of six unarmed Peons!

This gentleman sent their letter to the principal Collector of Malabar; but I have strong reasons for believing that, in the faithful discharge of his duty, he likewise transmitted to his own Government a detailed confidential report of every particular connected with the outbreak, which he had good means of learning, both from several of the Canarese fugitives who sought the protection of the French flag at Mahé, and from his being only four miles distant from Tellicherry; and that he drew, for the information and for the reflection of his country, a picture derived, not from words, but from incontrovertible facts and occurrences

quillity of this, to depute to Canara some functionary of high and commanding character, and armed with plenary

that happened within his own sight and cognizance, in two extensive, maritime and frontier Provinces of the Madras Presidency, of the opinion entertained *at heart* of the strength, the stability, and the security of the Indian Empire, by the body of European functionaries, who administer the Government to the Natives.

The Native, in his letter, says that the war-cry at Mangalore, throughout the days previous to the attacks, was, "*The Devil Apparampara is coming;*" and that this fearful sound it was which led to the general panic and flight. Throughout Malabar all the authorities, European and Native, and all the heads of villages, myself among the number, received copies of Proclamations, offering 10,000 Rupees reward (equal there to 10,000*l.* sterling in England), for the apprehension of the principal rebel-leader, "named Apparampara;" and 5,000 Rupees (equal to 5,000*l.* sterling), for the second leader, "named Kallianappa."

No man will bring himself to believe, that these two proclaimed ring-leaders of the insurrection, this Apparampara and this Kallianappa, are no other than the very same persons who are stated, in the confession, to have been all the time confined in jail; to have been then, and months and months before, the one a prisoner at Trichinopoly, the other at Bangalore! No Englishman will prevail upon himself to credit, that a British Government, the Government of Fort St. George, or some power exercising supreme authority under it, could issue and circulate Proclamations throughout the subordinate territories, setting an enormous price upon the heads of two unfortunate men, who both were, all the while, prisoners in two of the Government jails! The incredibility of such an occurrence will defend it from belief. But most true, too true, alas! is it, as the following accounts will show:—

"*Mangalore, 29th April.*—The latest news is as follows:—The Palmers are released. He was released by the Coorg Dewan, Bappoo, who, with his people, were within an ace of the pretended Apparam. Perhaps you are not aware THAT THE REAL APPARAM IS IN JAIL AT TRICHINOPOLY. Our force at Neruncky burned a Mutt (a small temple), with plenty of food taken, ditto prisoners, with sundry killed. Our enemies dispersed in every direction."

"*30th April.*—How mortifying that all this alarm should have been created by Apparam's shadow! THE TRUE KALLIANAPPA IS SAID TO BE IN JAIL AT BANGALORE."

It is hence a positive, and now an undisputed, fact, as the confession

authority ; who, with capacity to probe to the bottom, and elicit, the whole truth connected with the late events, civil

stated, that both Apparampara and the real Kallianappa, " the two arch rebels," were prisoners in jail, hundreds of miles away from Canara, during the whole of the insurrection !

The confession describes Apparampara to be first cousin to the deposed Rajah of Coorg. Kallianappa is not even a relative ; he is the son, as it would appear, by another father, of a wife of one of the Rajah's uncles. Yet these two men, void of any other offence than the foregoing, the one of being a Prince, and a male heir to the Raj, the other, a man of birth and note ; Apparampara, in the people's belief, the rightful heir, in common with the other members of the last Rajah's family, to a sum of about twelve or fourteen lacs of Rupees, which had long been invested in Company's paper, of every R^{ea} of which the family have been stripped ; these two men are seized, transferred from jail to jail, and confined without trial, as felon-prisoners, upon a Magistrate's warrant ; they are thus treated, it appears, because fly where they would, East, North, South, they must fly to, and be found in, the Company's territories. There remained to them, it is true, one refuge, one escape from a dungeon : there was the friendly sea on the West ; this was open to them, into which to plunge and forget that Heaven had once given them rank, station, wealth, a country, kindred, and a home ! From the treatment dealt to these men, it may perhaps be conjectured that the detestation manifested by the Coorgs to the Government may not be wholly without foundation ; it may be thought, that the intensity of bitter hatred expressed by the chief man among a wild, ignorant, people, when he exclaimed, "*Let but a palace-born dog be found, and he will head us to shake off this yoke !*" is not entirely without cause. Since the suppression of the outbreak, they have repeatedly told the Governor-General and the Governor of Madras, that, " come what may," they will not continue subject, for another three years, to the Courts and Cutcheries of Canara.

With regard to Kallianappa *the second*, he who actually came to Mangalore ; on the dispersion of his followers, he was speedily taken, and arraigned before the Court Martial, when he proved to be, as he had been described, a poor, ignorant, simple-minded young man, whose pretension to be made the nominal leader of the rebels consisted in his having been born in the Palace of an obscure Concubine, and in his name being Kallianappa. He told his story without guile or disguise. He said he was living in quiet and obscurity, when he was taken to, and kept in, the Jungle where the Gowdas and Potails had assembled ; that

and military,* shall have the firmness and manliness to declare it without respect to persons. Surely were an

they told him he must be their Rajah: whereupon they set him on a horse, and as he had never been on one before, they tied his legs to prevent him from falling off, and paraded him up and down; that he was a mere puppet, meant no harm, and endeavoured, to the degree in his power, to prevent harm being done by others, and that, whatever he had himself, rice or money, he gave to Dr. and Mrs. Palmer, and to the Collector's servants, who were prisoners, and hiding with him in the Jungle. His story was not disputed. It also came out that he had refused to suffer Mrs. Palmer's Palankeen-bearers to leave her and her child, saying, they were that lady's servants, and must remain as long as she wanted them. Inquiry would have shown, that if the first rising had taken place, as contemplated, this Kallianappa would never have been heard of. He was condemned by the Court Martial, and, without reference to Madras, executed.

* The greater part of a Bombay regiment, amounting to about 400 men and Officers, with a Joint-Magistrate at their head, were sent to, and kept for many days, at Cassergode, a coast-town thirty-five miles south of Mangalore, with orders not to act but in repelling an attack: and this at a time when a traveller passing through that part of the country wrote—"All is as quiet as if the street were covered with straw!" Several Rajahs, living a few miles distant, wrote to Mangalore, complaining of being deserted, and stating that not one of the ordinary public Officers had been near them since the first outbreak. The Rajahs received no answer. They then addressed the Joint-Magistrate; he said he would forward their remonstrance to the Huzzoor (the Presence). One of the Rajahs showed a Mangalore Proclamation, offering 1,000 Rupees reward for the apprehension of certain persons who, it was stated, "had assembled with bad intentions," but apparently without names, for names they had none! The people in South Canara appeared to think their plight had been considered too bad for remedy, and hence all attempt at protecting them withheld; or, as was said, "the Sirkar seemed dead, and his servants discharged." They contrasted their situation with that of their neighbours in North Malabar. The Magistrate there, Mr. Clementson, left without one European Assistant, immediately dispatched Sheristedar K. Karnagara Menon, one of the best known and most influential men in the country, with instructions to see all the Rajahs and principal men, to inform them that he was in the neighbourhood (at Cannanore), and assure them they had nothing whatever to fear from anything that had occurred in Canara,—a mission which the Sheristedar faithfully, ably, and most diligently executed.

angel to descend from heaven, his Lordship in Council will not believe, that a few wild, untutored men, dwelling in their jungles and mountains, who never heard of the name of war until three years ago, when they beheld their Swamee, their God as they called their Rajah, the Rajah of Coorg, hurled in three days from his throne by the British power, as an elephant tramples down a worm, that such men could have worked themselves up to face that power, unless goaded on by the sense of some intolerable wrong or oppression! They would have as soon thought of facing the thunderbolt. But this letter, rather than the subject, demands an end. ⁴ I shall close it with the following questions:—Is what I have stated true? If true, does it concern the Governor in Council of Madras, more than all men, to know it?

I have the honour to be, Sir,

Your most obedient Servant,

F. C. BROWN.

FROM THE ZILLAH AND CRIMINAL JUDGE OF CANARA,
TO THE CHIEF SECRETARY TO GOVERNMENT, FORT
ST. GEORGE.

Cannanore, 6th April, 1837.

SIR,

I REGRET to have to notify, for the information of the Right Honourable the Governor in Council, intelligence of the most disastrous nature, and which from the consequences likely to accrue from it must, I have every reason to believe, be attended with a vast loss of life, both to the Civil and Military Departments of the Government, and

which, from the entire stop put by the rebels to all communication by Tappal from Mangalore, will probably be the first intimation Government can receive on the subject: consequently, I will attempt to lay before the Right Honourable the Governor in Council, the whole of the particulars, commencing from the period the Military were first called out, until the hour I left Mangalore; viz. two o'clock on Wednesday the 5th of April.

On the night (ten o'clock) of the 30th of March, the Collector of the district, Mr. ———, without having the slightest idea of any spirit of disaffection existing in the district, received information from a Tahsildar of a Talook of the territory bordering upon the confines belonging to the late Rajah of Coorg, that numbers of the inhabitants of the Coorg country had suddenly risen, and taken possession of the treasure, amounting to about 15,000 rupees, together with the Head Sheristedar* and his cutcherry of servants, who were on Jumabandy at the place. Mr. ———, without a moment's hesitation, together with his head Assistant, Mr. ———, Major ———, and three officers of the ——— Regiment of N. I., with about 150 rank and file, proceeded, by forced marches, to the place called Pootoor, where the rebels were said to be assembled, and found them in numbers too strong to attack them openly. They consequently took up a position in a mud Bungalow where they remained, I believe, for upwards of twelve hours; but finding their men were gradually diminishing,† and the rebels opposed to them collecting, it was deemed advisable to retreat, and after having experienced hardships of every description, they were enabled to reach Mangalore on the evening of the 3rd: and the morning of the 4th, Mr. ——— received hourly information of the advance of the rebels,

* Devappah already mentioned.

† The diminution in numbers previous to the retreat, I am unable to state.

from three sides, upon the town of Mangalore, and that two of his treasuries in the district had been looted of all that was in them; that the whole country in the immediate vicinity was in possession of the insurgents, who were reported to be assembled in number about 10,000 or 12,000, and determined to take Mangalore. A consultation was then held as to the proper mode of proceeding, and it was the unanimous opinion, that as the greater part of the inhabitants had left Mangalore; that as the united number of the effective Sepoys amounted only to 270 or 280 men;* that as all communication had been cut off,† and no reasonable probability could exist of our being speedily relieved by the arrival of troops; that for the preservation of the lives of the Servants of the Government, the Sepoys, their families, and the Treasure in the place, an attempt should be made to remove the whole on board boats, and, abandoning the place, to proceed to Cannanore.

The attempt was made, but owing to the want of boats and accommodation in sufficient numbers, it failed, and the Barracks on the parade ground, selected as the strongest position to which the Treasure should be removed, and with the Sepoys and Peons, was occupied by us during the night of the 4th. That night passed without an attack being made, and with nothing worthy of remark save two fires in the town—considered to be the work of a party of Moplas, apparently in league with the insurgents.

The reports still continued, that men were advancing in

* The Honore detachment of about 70 men, reached Mangalore by sea on the 6th of April. Mr. E. Maltby, the Joint-Magistrate there, lost not a moment in despatching every man of them to the aid of the place.

† This must be an oversight. The communication by sea, north or south, was not interrupted for one moment since, as the sentence states, the abandonment of Mangalore, in *boats* (meaning coasting vessels) “by the Servants of Government and the Sepoys,” was unanimously determined on, and, *failed only for want of boats*.

numbers upon the town ; and a flag of distress, hoisted at the signal-staff, attracted the attention of a vessel passing in the offing, which came to an anchor ; and on Mr. —'s requisition, the Captain (Burtsal of the Eamont) dispatched from his vessel two six-pounders with shot. I have reason, however, to believe, that the place where these guns must have been landed, being in possession of the insurgents, who had suddenly come up that side (in number about 500, armed with guns and matchlocks), that our troops were never in possession of them.

It will now be necessary for me to inform the Right Honourable the Governor in Council of the cause of the Assistant Judge of the Adāwlut, Mr. —, and myself, having arrived this day at Cannanore ; and I have merely to state that, on returning from placing our families, and those of other residents, on board a boat to be sent to Tellicherry, and while at the mouth of the bar, within a few yards of the landing place, at about one P. M., we perceived the Coorg rebels coming up along the shore, as above alluded to, and almost at the same moment our own houses, the Court-house, the Collector's Cutcherry, with several other parts of the town, in a simultaneous flame. We shortly after heard sounds of muskets, and the blowing up of the Magazine ;* and, consequently, feeling con-

* It is consoling to know that the writer was deceived ; the Magazine was never once in the least danger. The number of houses destroyed was, I believe, eighteen. He will forgive a stranger for observing, that the houses he speaks of, the Court House, and the Collector's Cutcherry, form no part of the town. They are from one to two miles distant. Except his own, and the Sub-Collector's house, the latter near the lines, which were thatched and easily fired *from without*, all the others are solid, tiled buildings, placed on commanding eminences ; and if I add, that they were readily defensible against those who assailed them, I only express the opinions uttered by all persons who know the buildings and their situation. It will not surprise that, when found open and deserted, the latter were first plundered at leisure, and then fired *from within* by the rabble.

fidant that nothing but certain death most assuredly must take place, and no possibility of joining our comrades to be expected, we prevailed on our boatmen to take us through the bar, at the imminent risk of being shot by the men who were ranged along the shore, and fortunately effected a safe embarkation on the ship Eamont, which has this hour brought us to Cannanore.

After coming on board, we tacked on and off Mangalore, in the hope of some of our unfortunate friends being enabled to effect an escape, and joining us; but, with the exception of some ladies and a few others, I believe no one had been enabled to do so. At the period when Mr. ——— and myself left the shore, 11 A.M., there appeared to be no more immediate apprehension of the rebels coming down upon the town, than there had been for the last two days; but the simultaneous ignition of all parts of the town, the pouring in of the rebels from the three sides, at one and the same hour, evinces a plan of arrangement little to have been foreseen or apprehended.

The Captain of the vessel who had gone on shore, and who effected his retreat about half an hour subsequently to us, states that he did so with the greatest degree of difficulty, and thinking that the particulars of what he saw up to the minute of embarkation, would be more satisfactory to the Right Honourable the Governor in Council, it has been taken down in his own words, and accompanies this communication.

From a Proclamation issued by the rebels, I am inclined to believe that two individuals belonging to the late Rajah's Government, styling themselves Apparampara Swami and Kenchup Naique, are at the head of the insurrection; but I am at a loss to imagine what their ultimate expectation or intention, with regard to remaining in possession of our territory, can be, inasmuch as their system hitherto, as far as we were able to ascertain, has been to place their seals together with our own, on our district Cutcheries and

Treasuries, and offer service to the Potails and servants employed by us.

In conclusion, I must not omit to bring to the notice of the Right Honourable the Governor in Council, the kind and anxious exertions of Captain Burtal, of the ship *Eamont*, now on her way to Madras, who, at his own personal risk, at the requisition of the Collector, landed his Guns and Muskets, and where, after remaining as long as practicable, in the hope of saving the lives of those who might be fortunate enough to effect an escape, has hurried down to land us at Cannanore, in order to furnish this important and disastrous information to the Commandant of the district with the least practicable delay.

I have the honour to be, Sir,

Your most obedient Servant,

* * * *

Judge and Criminal Judge.

Captain Burtal, who was the last on shore, has kindly allowed me to take down the particulars of the state in which he left the Cantonment at Mangalore.

"Upon my landing at Mangalore, in company with Lieut. Cotton of the Madras Cavalry,* we immediately proceeded to the spot where the Sepoys were drawn out in line, and found that the lines had been attacked and set on fire, and musket shots were passing in several directions. The Collector, Mr. —, and several other European Gentlemen, were collected, and on his inquiring what

* The conduct of this Officer, Lieutenant Cotton, cannot be too generally known. He was a passenger on the *Eamont*, in bad health, going from Bombay to Madras. No sooner did he hear that some of his comrades on shore were in danger, than he insisted on instantly joining, and remaining with them, although told that he "would only share their hopeless fate." He it was who, on landing, if I am rightly informed, led a party of Sepoys to the attack of the insurgents.

assistance I could afford him, I replied that the two Guns and a few Muskets, which were then on their way to the shore, was the only aid in my power. After remaining there a short time, and finding I could be of no service, I returned to the boat by the advice of Lieut. Cotton, who insisted upon remaining. I then got into my boat, and remained there for some time, expecting to be able to effect the escape of some of the Gentlemen of the place. Finding, however, no one approach, and hearing from several who came down to the shore that all had been massacred, and that the rebels were mustering at the bar of the river, through which I had to pass, I made the best of my way out, and in doing so counted 32 men armed with matchlocks, who twice pointed them with the intention of firing at us, and latterly launched two canoes, which followed us to some distance. From what I saw of the confusion, and subsequent reports, together with the ceasing of the muskets, and the simultaneous ignition of so many parts of the town, I have little doubt but what I heard prior to leaving was authentic, and all had fallen."

(Signed) A. BURTSAL.

FROM THE REGISTER AND ASSISTANT CRIMINAL
JUDGE OF CANARA.

Mangalore, 14th April, 1837.

SIR,

It has become my duty to avail myself of an early opportunity, after the opening of communication with the Presidency, to report to the Judges of the Sudr and Fonjdaree Adawlut, such circumstances connected with the

present disturbances in Lower Canara as relate immediately to the department of the Court.

In so doing it will be my endeavour to avoid allusion to such matter as does not immediately affect this department; but it is necessary, to render my statement clear, that I should mention, that on the evening of the 30th ultimo, the Principal Collector, on receiving information that an insurrection had broken out in the country lately belonging to the Rajah of Coorg and its vicinity, proceeded to the spot with a party of the military; but finding himself overpowered by the numbers of the insurgents, was compelled to effect a retreat with much difficulty and reduced numbers to Mangalore, which he reached on the evening of Monday the 3rd.

As Mangalore was immediately threatened, it was necessary that every Sepoy of the small party present at the station should be available for its defence, and that the guard stationed at the jail, which is situated at a considerable distance from the Cantonment, should be withdrawn, their place being supplied by a levy of Peons, fully equal to the duty of preventing the prisoners from effecting an escape, unless aided by the enemy.

On the evening of Tuesday, the 4th, the Judge, Mr. —, visited the Jail. He found that the prisoners, emboldened by the absence of a Military Guard, were in a state of insubordination; but the prompt measures he took of punishing the most turbulent soon restored quiet, and he remained on the spot until they were safely locked in the inner wards, and the confidence of the Jailor and Peons appeared to be restored.

On the following morning (Wednesday the 5th), Mr. — again visited the Jail, when all was quiet, and Mr. — was satisfied that, unless an attack was made upon the station, their detention was ensured.

I regret to state that, at a subsequent hour on Wednesday, an attack was made, when the prisoners were

released by the insurgents, whom the greater part of them appear to have joined. I have also to state, that an attempt was made to destroy the Court House and the Records which have suffered considerable damage; but I have reason to hope that it is less extensive than could have been expected. The Jail remains uninjured. *

The present state of affairs does not admit of any steps being taken to apprehend the prisoners, except in common with the insurgents, who are still in arms; but several have been already seized, and I feel much confidence that, when quiet is restored, a great number, or all, of them, will be retaken.

I have communicated with the Sub-Collector of Canara at Honore, with reference to such of them as might be likely to return to their haunts in that part of the district.

The full report, made by Mr.—, to the Secretary to Government, will explain the cause of my addressing you at this moment.

I have the honour to be,

&c. &c. &c.

* *

Register and Assistant Criminal Judge.

* The Jail Guard of Sepoys was withdrawn, for embarkation with their comrades, on the morning of the 4th. Whether the levy of Peons, for the custody of the prisoners, was then made does not appear. The Peons sufficed to save the Jail, but not the prisoners. As several of the latter voluntarily returned, they may possibly have been insubordinate *on the day* of the 4th, from fear of their lives, if the Jail were attacked, as much as from turbulence, or an intent to escape.

TO THE SECRETARY TO GOVERNMENT,
FORT ST. GEORGE.

Anjarakandy, 27th June, 1837.

SIR,

In illustration of my letter of the 31st ult., I do myself the honour of sending some munitions of war, captured from "the rebels" of Canara, in the shape of a powder-flask filled with powder, and of a cartouche box containing two balls. The powder, it will be found on trial, may be used twice, or at most three times, before it renders the piece so foul as to be unserviceable; as to the balls, the casting of them was among the unknown arts in the Jungles of Soolia and Pootoor.

The spoils captured in the houses and villages of Canara are openly exhibited as the trophies of this war! As His Lordship in Council may not exactly recollect any Armoury, which the *Spolia Opima* I now send would grace, I should feel indebted by his directing them to be returned, in order that I may present them to the Economical Committee of the Royal Asiatic Society, as specimens of the uses in war to which the shells of abortive coconuts are applied.*

I have the honour to be, Sir,

&c. &c. &c.

F. C. BROWN.

* So wretched is the ammunition which the Natives of the Western coast can themselves fabricate, that the most acceptable present that can be made to a Native Malabar, of any rank, especially in the interior, is some good powder and ball. I am in the habit of distributing, annually, a considerable quantity among my neighbours; yet, notwithstanding this supply, it was reported to me, during the last two seasons,

The above letter of the 27th June, and the one of the 31st May, are the only letters which, after the lapse of many weeks, on seeing every functionary at Mangalore, without exception, maintained in office and authority, on finding that no inquiry into the circumstances of the outbreak was instituted or thought of, I could no longer refrain from addressing to the Government.

Let it be granted, that the resolution, and the attempt, to abandon the town, be susceptible of the fullest excuse, the amplest extenuation; let it be granted, that the desertion of a Province be considered, and be declared at Madras, to deserve high praise, instead of the shadow of blame: yet, until the justification of such an act be made public before all the world, until the grounds of the applause

that between 30 and 40 head of cattle had been carried off in my five parishes by Tigers and Cheetahs. It was this knowledge which led me to send to Canara for some of the rebel powder and ball, which I forwarded to Madras in the receptacles they came; cocoa-nut shells of the same kind, about four inches long, and one and a half in diameter, as are used for the same purposes by the Natives around me. The specimen of powder was rather worse than that made in Malabar; the balls were cylindrical, not round.

As to the spoils, it is painful to advert to them, and to think of what was written from Canara relative to the terror, the sufferings, and the losses endured by the unoffending country people, after the proclamation of Martial Law among them. An account of the personal losses of the Europeans and their families at Mangalore, in houses, furniture, clothes, plate, &c. was called for, and immediately dispatched for compensation to the Court of Directors. Were the losses of their all by multitudes of Natives inquired into, and submitted at the same time, to the commiseration of the Honourable Court? The Court can answer; but this I know, that if all the circumstances attending their losses, if the plunder, and burning, and destruction of their houses, were fully, freely, and fearlessly told, every feeling mind would be horror-struck at the recital of the calamities which were brought upon them. The conduct of the rebels the Judge has described:—"Their system hitherto," he says, "as far as we were able to ascertain, has been to place *their* *seals*, together with our own, on our district Cutcheries and Treasuries, and offer service to the Pottails and Servants employed by us."

bestowed upon it be proclaimed, in the name of that sacred, spotless, stainless, sinless Justice, we all revere and hope to meet, I ask, are the functionaries, the persons prominently concerned in this act, those who ought to have been conspicuously seen maintained in office, and prosecuting the prisoners to be tried? Are they the functionaries, whom the people of India, as well as the people of Canara and Malabar, ought to have witnessed, seizing, committing, accusing, and arraigning capitally, as the local representatives of the Sovereign and the people of England, the poor, ignorant, misguided, creatures, who were deluded into approaching Mangalore, by the persuasion that all these functionaries had deserted it? In my humble opinion, not; I conceived the world ought not to witness such a spectacle; in my conviction, by it the Government of Madras was rendering the very name of the British Government odious, detested, and contemptible to the Natives of the Presidency at large. The Natives of the other Provinces, warned by what they saw the Government of Madras do and sanction, and not by what that Government might write or say, would feel that they possessed no security whatever, that the treatment, which their fellow-subjects in Canara were suffering to day, might not be their own fate to-morrow.

It is clear that every thing like tumult, violence, or insurrection must, for the sake of the Natives themselves, be immediately put down with the strong arm; but if humanity to them demand this severity, I challenge any man really acquainted with their character, I call upon any person whose knowledge and authority are deserving of weight, to deny, whether, in every case of tumult or insurrection without exception, justice does not imperiously demand, in order to be kept pure from the taint of error and vindictiveness, that impartial inquiry should go hand in hand with punishment? I call upon any man, tolerably familiar with the Native disposition and modes of thinking, to say, whether there exists, under Heaven, a race of

men more quiet, more placable, more averse to violence, or more naturally lovers of order; more accessible to reason, when it is made plain to their understandings in temperate, conciliatory language, or more open to kindness, when ordinary kindness and consideration are shown to them by those in authority: in truth, I ask, whether there exists, on earth, another race like them, demanding no more, in their present condition, from their rulers, than the boon of being suffered to live?

As to the Gowdas, a caste of Hindoos, lately the subjects of the Rajah of Coorg, who headed this outbreak, I confidently refer to the testimony of the Officers who broke them into the system of Jumma-bundies, that is, into the Madras system of annual surveys and settlements, an operation sufficiently trying to the temper of a body of rude farmers; and I ask those gentlemen to say, whether they ever had to deal with a more harmless, tractable, inoffensive race of men, or men more disposed to be obedient and submissive to the novel Government placed over them?

The information I gave to the Government might deserve, and would probably meet with, little favour. I sought none; it would be set down as erroneous, or partial, or exaggerated, or prejudiced. It might, however, induce a pause in the measures that were enforced; and as to myself, the question left for my solution was, whether I would longer bear the upraidings of my conscience for remaining silent.

But there was, as it appears, the official letter of the Criminal Judge of Mangalore, which had been for weeks before the Government. Surely that letter speaks for itself! Surely the circumstances, detailed in that letter, speak for themselves to all, who have eyes to read or feelings to rouse! Surely after that official letter, a full, a public, an impartial, and *immediate* enquiry was imperiously demanded from the Government, the power which alone

legally and solely possessed the initiative on the occasion ! The National name demanded it ; public justice demanded it ; above all, the characters of the functionaries named, implicated, and concerned, demanded nothing less.

It is with the sincerest pain that I am obliged to mention the feelings with which enquiry, when enquiry was, at length, talked of, was viewed and received. My letters had *immediately* found their way from the Political Secretary's office at Madras to Mangalore, and were thus spoken of: "There is reason to believe that the appointment of the Commission, to enquire into the matter of the rebellion, which is said to have been ordered pursuant to instructions from Bengal, is a subject of annoyance to certain of the authorities at Mangalore. BROWN is mentioned, as having written letters to Madras and Bengal, which have led to this order for an enquiry. One letter, it is said, was known there *three months ago*. The Mapilla Petition, in which the rebellion is spoken of slightly, has been attributed to him. The matter has been made a great mystery of, and his alleged part in it kept a profound secret, until a few days ago. As far as can be learned, his correspondence has been betrayed" (September, 1837.) For what purpose, and with what design, this correspondence was "betrayed," will appear too plain, I fear, in the sequel. This course, secretly adopted towards me, drove me to see whether the same repository of official correspondence would not also furnish the letter of the 6th April, from the Criminal Judge to the Government ; a letter which, but for such a course, would never have been sought for, nor, in accordance with my own feelings and wishes, ever made more public.

F. C. B.

C. R. COTTON, Esq., ONE OF THE CANARA COMMISSIONERS, FOR THE SECRETARY, TO F. C. BROWN, Esq., TELLICHERRY.

Bangalore, October, 1837.

SIR,

With reference to a letter from the Government of Fort St. George, addressed to you under date 11th July last, I am desired by the Commissioners appointed to investigate the circumstances of the late insurrection in Canara, to request you will, at your earliest convenience, communicate to them such defined allegations as you may think proper to make, individually, against the European Civil and Military officers of Government, to whose conduct allusion is made generally, in your letter addressed to the Secretary to Government under date 30th May last; and that you will have the kindness, at the same time, to state, in detail, the means of substantiation available, to enable the Commissioners to investigate the matter brought forward by you.

I have the honour to be, Sir,

&c. &c. &c.

C. R. COTTON,

For the Secretary. *

* This Commission consisted of a Military and of a Civil Member, and a Secretary. To the Civil Member, a Member of the Board of Revenue, who had served in Canara for several years, both as a Sub and as Principal Collector and Magistrate, strong objections were made at Mangalore. If he was known to the people, and knew the country, he was also a most intimate friend of some of the parties. The Military Member was Major General Vigoureux, of H. M. 45th, whose regiment was at Madras, under orders for embarkation to England. The senior Officer of it could not be left behind; so that before the General could enter on his new duties, it became necessary to relieve him. He was

TO C. R. COTTON, Esq., FOR THE SECRETARY TO THE
CANARA COMMISSION, BANGALORE.

Anjarakandy, near Tellicherry, Oct. 19, 1837.

SIR,

I have the honour to acknowledge the receipt of your letter, without date, from Bangalore.

succeeded by a distinguished Officer, the Deputy Adjutant General to the Queen's Troops, a near adviser of the Commander-in-Chief. One of the first steps which followed General Fearon's appointment was, the calling upon every one of the Officers, Military and Civil, who were at Mangalore at the commencement of the outbreak, for a statement in writing of what occurred at the meeting, when the resolution was taken of abandoning the place; from the Magistrate was required, a history of the first occurrences of the rising.

This requisition was made in the very end of October, or the beginning of November last: I am compelled to call attention *to the fact and to the date*. In the second Presidency of India, in what is, in reality, a great dependent kingdom of the British Empire containing, including tributaries, a population of as many millions as the whole of the United Kingdom, the abandonment of one of the largest and wealthiest frontier Provinces is officially reported to the Governor in Council, in the month of April, as having been unanimously determined on thirty-six hours before an enemy appeared; and it is a subordinate Commission which, at the distance of nearly seven months, first calls upon the several actors for an account of so unprecedented an occurrence, and demands to know the causes which drove a newly acquired people into rebellion! Whether the answers returned to the inquiries, or the nature of the duties which became disclosed to him, affected General Fearon's health, the world is not likely to know. He proceeded no further than Bangalore, where he was speedily relieved on urgent Medical Certificate. From that time to the middle of December, the date of my leaving India, no successor to him had been named, nor had the Commission got a step further. And as, on the 5th December, Mr. Cotton, the Civil Member, obtained leave to proceed to sea, this Commission appointed, as the Madras Gazette stated, in phraseology which excited general and significant remark, "to inquire into the causes of the late insurrection in Canara, etc." I am led to conclude, terminated its labours and expired.

With every possible respect for the Government of Fort St. George, I beg to be permitted to observe, that I am no public informer. I am an English British subject, residing in the Province of Malabar; which Province was plunged into alarm and agitation, in consequence of the events which occurred in Canara in April last. Those events are, I believe, not matters of doubt nor for contradiction, they are matters of official record. It has been officially reported to the Government by one or two of its own officers, that the abandonment of the capital of Canara and of the Province was unanimously determined upon by the public functionaries, and fruitlessly attempted, on the 4th of April, twenty-four hours (36) before an insurgent appeared.

It is, hence, manifest, that I can have no charge to make "*individually*" against those functionaries, to almost all of whom, by name, I am a stranger. But I am possessed of considerable landed and immoveable property in Malabar; the security of that property, the security of the property of every other man in the country, was endangered, it would probably have been destroyed, had the abandonment of Mangalore been effected. The value of my property is seriously deteriorated by what did happen.

It was impossible for an Englishman in my position to forbear, on such an occasion, to suggest enquiry. Whether enquiry be needed, the Commissioners and the world may judge, not from any circumstance advanced or alleged by me, on information perhaps deemed questionable, but from the declaration of an English eye-witness, described to be a straight-forward, plain-spoken, man. This witness, Mr. ———, the late Master-Attendant at Mangalore, lately passed through Tellicherry. In speaking to others of the attacks of the insurgents, he observed, "Lord, sir! if we had known as much then as we do now, we would have banged them well with twenty men!"

The letters from the Government render it necessary that I should address it in reply. I shall do so, at the earliest

moment that a press of occupation, arising from preparing my produce for immediate shipment to England, will permit.

I have the honour to be, Sir,

&c. &c. &c.

F. C. BROWN.

TO F. C. BROWN, Esq.

Political Department.

SIR,

I AM directed to return, herewith, the specimens transmitted with your letter of the 27th ultimo, and to inform you that the Governor in Council presumes that you are prepared to substantiate the very serious charges against Public Officers, which are contained in your communication of the 31st of May last.

I have the honour to be, Sir,

Your most obedient Servant,

RICHARD CLARK,

Secretary to Government.

Fort St. George, 11th July, 1837.

•

TO F. C. BROWN, Esq., TELLICHERRY.

Political Department.

SIR,

WITH reference to my letter of the 11th of July last, I am directed by the Governor in Council to acquaint

you, that your communications of the 31st May and 27th June have been laid before the Commissioners,* Major-General Vigoureux and C. R. Cotton, Esq., appointed to investigate the causes of the late insurrection in Canara, with instructions to call upon you to substantiate the statements which they contain.

I have the honour to be, Sir,
Your most obedient Servant,
RICHARD CLARK,
Secretary to Government.

Fort St. George, 12th September, 1837.

TO THE SECRETARY TO GOVERNMENT IN THE SECRET
AND POLITICAL DEPARTMENT, FORT ST. GEORGE.

Anjarukandy, 23rd November, 1837.

SIR,

1. I HAVE had the honour to receive your letters of the 11th of July, and 12th of September; the last intimating that my letters to Government of the 31st of May and 27th of June have been placed in the hands of the Commissioners newly appointed to inquire into the affairs of Canara, and that these Officers have been instructed to call upon me to substantiate the statements therein made.

* It was *not* stated to the Commissioners that my "communications" had been privately dispatched to Mangalore months before, with a view, doubtless, of clearing the way to *their* investigations, and of putting it in *my* power to establish the statements, for the substantiation of which they were instructed to call.

2. It is to me a subject of unfeigned regret to perceive, from the tone and the style of your two letters, a tone and a style not to be mistaken, that my letters have been received by the Right Honourable the Governor in Council with sentiments strongly akin to displeasure and distrust.

3. No person can be more forward to acknowledge the received insignificance of so humble an individual as myself, a solitary British subject not in the Service; nor to admit, how little his communications are deemed worthy of the ordinary attention and confidence, which elsewhere are bestowed upon the letters of an English resident, written upon local subjects, touching which he may be supposed to be correctly informed.

4. Yet every man in the Commission of the Peace in England, or in any British Colony, is not merely considered entitled, he is held bound, and he is encouraged, by the strictest faith and discretion maintained towards him, to correspond unreservedly with a Secretary of State, or a British Colonial Secretary, upon all subjects affecting the peace of the country he resides in, or the honour and character of the British Government; secure, at all times, that if he is betrayed into any errors of the judgment, or of the feelings, they will be viewed with indulgence, and charitably construed.

5. It is known that I am, by descent and inheritance, a Landholder of some extent in the Province of Malabar, and that I am the *only* European British subject of that class residing in the two distant, extensive, and important Provinces of Malabar and Canara, containing a population of more than two and a half millions of Natives. The Government has been pleased, for some years past, to include my name, unsolicitedly, in the Commission of the Peace for the territories of Madras.

6. The first character makes it, I conceive, a part of my allegiance as a British subject, living under a Government subsisting by the opinion entertained by the Natives of its

wisdom, firmness, and stability, to communicate every occurrence, leaving the Government to estimate its importance, which appears to me calculated to give a shock to that opinion. The second character involves a public trust, and imposes, in my belief, the corresponding obligations discharged by a Justice of Peace in every other possession of the British Crown.

7. It was in this twofold character, derived from an intimate connection with the people of the country on one hand, and from the trust reposed in me by the Government on the other, and under a sense of the duties which this character exacted, that I took the liberty of addressing, confidentially, to the Government my letter of the 31st of May; a letter which I am compelled to see has given much umbrage, if not offence.

8. In this letter I certainly did implore the Right Honourable the Governor in Council, most earnestly, perhaps most warmly, implore him, on an occasion when the lives of hundreds of human beings were at stake, not implicitly to believe, but to inquire, not to strike, but hear; and lastly, not to delegate to any hands whatever his inalienable prerogative of life and death* in the case of men,

* This is an error, the result of inadvertence. The Governor in Council of Madras cannot be said to have ever exercised of himself this, the most valued privilege of humanity, the noblest attribute of Sovereign power. All sentences of death and of transportation are passed, in the first instance, by the local Judges, and if ratified by the Court of Fonjdaree Udaltut, are executed upon warrants, signed by two Judges of that Court, without any communication to the Governor in Council. (Regulation 8, of 1802.) Upon such subjects, as the extent and state of crime, the number and nature of the sentences and executions taking place in the dominions confided to his sway, the Governor in Council was legally dispensed from inquiry or responsibility. The trials being all in writing, the custom is to circulate them for perusal from one Judge to the other, who writes upon them his final sentence, acquitting or condemning. It is not very many years since, that the foot or margin of a trial exhibited a sentence, condemning to death (I believe

the vast majority of whom appeared, from every concurrent report, to be far more deluded than criminal, more the objects of compassion than of public vengeance. Against no individual, nominatively, did I make a charge; and if I was driven, most reluctantly driven, to illustrate by an example the agitated state of men's minds, as well in North Malabar as in Canara, let those answer who left me no other mode than this, to plead with effect the cause of mercy and deliberation, which it was my express design to supplicate.

9. If the letter in question be considered by his Lordship in Council to exceed the demands of any station I fill, or to outstrip the limits of any duty I am bound to discharge to the Government, and to the people; if the peace and good order of the country, the security of the persons and property of two millions and a half of Natives, the tranquillity of their minds, and the honour and character of the Government which rules over them, be deemed concerns alien to, and far above, my cognizance; and that, however I may see, however I may conscientiously believe those great interests to be fatally committed, it is my province to be mute, while evils are in progress which, if unknown and unchecked, must lead sooner or later to the destruction of my property, to the destruction of the property of every other man of character and respectability, and to the extinction of the British name; if these be the sentiments entertained by His Lordship in Council, I hope it is not asking too much, undesignedly as I have offended, if I request to be favoured, upon these points, with the opinion in the affirmative of His Lordship in Council, for

one of the witnesses, but certainly) an innocent man. The *mistake* was discovered ^{at} time - but it was related as an *anecdote*, and the Sentencer continued to be, for several years after, a Judge in the highest and last resort. This was the state of the law until October or November last, when an Act of the Council of India ordained that penal sentences should be made known to the Governor in Council.

my own correction, and for the guidance of other European British subjects.

10. I dare hardly venture to solicit, not a favourable consideration, but an impartial, dispassionate perusal of any thing I may now write. Circumstances have, however, occurred, which render it imperative that I should detail to His Lordship in Council, even at the risk of increasing offence, but with a solemn disclaimer of designing it, occurrences which happened under my own eye in this remote spot, from the beginning until after the middle of April last, and some which I afterwards witnessed at Telli-cherry; occurrences so wholly unexpected, and of so deeply painful a character, as to have forced upon my attention the causes which led to them, and hence to have occasioned my letter of the 31st of May.

11. It was about the 1st or 2nd of April, that fugitives from South Canara brought to Tellicherry, where I then was, the first news of some disturbances existing in that proverbially tranquil and orderly country. As the rumours gained ground, on the 3rd of April, I examined, as I have before related, one of these fugitives, a Koombla * Merchant who, with others, had been sent for by the Insurgents to Bellarypet, and who gave me the first intimation of the seat of the disturbances being in Lower Coorg, and that the number of men of all arms he saw assembled was about 200.

12. All these particulars, the nature and locality of the disturbances, the numbers and means of the disaffected, were, of course, well known to the inhabitants of Telli-cherry, among whom were dwelling, in perfect confidence and security with their wives and children, all the most opulent and respectable of the fugitives, all of them Hindoos. Not the smallest impression upon the inhabitants did the news make; up to the time of my leaving the

town on the 5th of April, no other notice did they bestow upon it, than expressing their surprise at the pusillanimity of the persons who had fled from such a danger and such opponents.

13. Early on the 5th, I set out for my property here. It is situated about 25 miles from the frontier of Upper Coorg, the intervening country being chiefly thinly peopled mountain and forest. The most direct road to Tellicherry is by a branch one, I myself have made through a neighbouring Jungle. My store-houses here were full of valuable property; there was besides a considerable sum, upwards of 31,000 Rupees, in ready money. Both the house and store-houses are quite untenable, and may be fired at any time without detection. They were plundered and burned to the ground, and the plantations destroyed, by a rabble of marauders in 1803, an occasion when my father and family lost every thing they possessed.

14. My first business, on arriving, was to ascertain the exact state of Upper Coorg, from which quarter alone was any risk to be apprehended affecting the tranquillity of North Malabar.

15. I immediately dispatched persons to Veerajahpet, the principal mart in Coorg, and to all the intervening marts below the Ghauts, which the Coorg traders pass or frequent, with orders to bring me correct accounts of what they saw and heard, and to inquire particularly at the stations of the Post-runners, whether the Post from Madras, which passes through Upper Coorg, had been intercepted or delayed.

16. From the nearest places of resort the messengers returned with reports, that every thing was perfectly quiet and tranquil, all transactions going on as ordinarily, and numerous Coorgs, with droves of salt and grain bullocks, proceeding as usual, to and from Cannanore and the Coast.

17. The persons sent to Veerajahpet returned after attending one of the weekly markets held there. They

reported, that the throng of people was so great, particularly of people from Mysoor, that the market had in fact lasted two days instead of one. The Post had not met with an hour's delay.

18. No proofs more conclusive than these could be given, showing the peaceful and satisfactory state of the country, both above and below the Ghauts in this vicinity, and in Western Mysoor. Until the pressing of the people as Coolies for Military Service began, similar reports continued to be brought, and were regularly transmitted by me to Tellicherry, for the satisfaction of the residents there during the time I remained absent.

19. Such, Sir, was the calm, orderly, and tranquil aspect presented by the country, when, let my astonishment be conceived, to find my doors beset on the morning of the 8th April, before seven o'clock, by a crowd of people, all loaded with Pepper, and all clamouring to have Rupees given to them in exchange for it.

20. Pepper, and not money, is the medium of exchange best known to the people. It is their universal custom to hoard their Pepper and to part with it in small quantities, never at once, and that chiefly, when the tax-gatherer demands his money payments. It is hence a daily traffic throughout North Malabar. Saving the few roads I have made, there are here none but mountain paths. Not a cart nor beast of burden is known off the few Government roads; all the inland traffic is by porters. A load of Pepper is three maunds, or 102 lbs.: the two great marts for the commodity are the maritime Towns of Tellicherry and Cannanore.

21. The disastrous commercial advices from England had made me desirous not to increase my stock of Pepper. Solicitous, however, not to give birth to the smallest doubt or uneasiness among the people, as to the cause of any reduction in price at that time, on the 7th, I had reduced the price for the day following, the 8th of April, one Rupee a Candy.

22. On the 9th, there was, from sun-rise to sun-set, a perfect rush of people with their Pepper, and a crowd of other Natives, all in the same consternation, flocking hither for news and advice. On this day, I learned from them the cause of this unprecedented scene: from the 7th, every shop in Tellicherry and Cannanore had been shut; not a Native would buy a grain of Pepper.

23. On the 10th, the day was not long enough to weigh, (Pepper is weighed by the single Maund,) receive, and pay for all the Pepper that came pouring in. Persons whom we had never seen nor heard of before, respectable Bramins and heads of families, from the extremity of the neighbouring districts, arrived in one universal panic, intreating for money. Although I refused not a grain of their Pepper, giving to the Hindoos, who are the bulk of the population, a Rupee more, I talked to, and endeavoured to reason with them, but in vain. It was in vain that I argued, that I remonstrated with them, that I told them truly all I knew of the occurrences in Canara, that I besought them not to be alarmed, but to take back their Pepper, and return quietly to their homes. Their fears made them deaf to every thing I could say. "We had no wish to sell our Pepper," they exclaimed, "we kept it for our Niggdee (assessment); but the Saheb-mars (British functionaries) must know what has happened better than you that are here. There they are, arrived from Mangalore in a ship and Pattamars, with their wives and children; the Saheb-mars at Tellicherry have detained the ship, and what can this be for, but to go away too, and leave us at the mercy of thieves and robbers? Better get what money we can, and fly too!" Whither, poor creatures, they knew not! Among this panic-stricken multitude were some of the Mapillas from Cottaparumba, four miles distant; some of those very Mapillas who, at the very time, were declared by name in one of the Madras papers, the *Conservative*, the reputed organ of the Government, to be all ripe for insurrection.

24. All men have heard of, some men have seen, a run upon a failing Bank in a remote town in England, have witnessed the awful picture of despair and distress, which the scene exhibits. Sir, this is not a town, it is not a village: it is the solitary dwelling of an Englishman in the middle of the Jungles of India, without even a hamlet near, save that of my own labourers. Let a man imagine to himself the scene of terror and dismay, that was here exhibited to me; a scene occasioned, not by any private imprudence nor calamity, such as may induce ruin and bankruptcy, but by an universal belief among the Natives in the end and dissolution of all Government! No, Sir! as long as memory endures, the grief, the shame, the indignation, caused by such a spectacle, will never be effaced.

25. The urgent letters I wrote to Tellicherry, the remonstrances I addressed to all the principal Natives there, with whom my word would have weight, but still more, the example I set, restored some degree of confidence: the shops in the Towns and Bazaars, were re-opened, and the buyers resumed their purchases. But the desire there evidently was in the people, so opposed to their rooted habits and prejudices, to get rid of their Pepper, and possess themselves of all the money they could collect, showed but too plainly that the feeling of security, in the strength and stability of the Government, had received a fatal and alarming shock.

26. I, therefore, persisted in purchasing all the Pepper that was offered. In twenty-four days (from the 7th to the 30th of April), I paid away for Pepper, Rupees 16,986, in sums from one quarter of a Rupee, and half a Rupee, to 222 Rupees, the highest sum any seller received. Up to the 22nd of May, and not until then, was I satisfied that the minds of the people were tranquillized, and the late scenes, in a degree, obliterated, the sum paid away

was Rupees 25,189,* the quantity of Pepper received, in quantities of 2½ pounds and upwards, was 223,173 pounds, upon which, when sold in England, I estimate my loss will be from 8,000 to 10,000 Rupees.

27. The Government requires me to substantiate what I say. Sir, there are the facts, accompanying are the accounts, the daily accounts,† with the name of every man entered, during the first twenty-four days (the others are forthcoming), the pounds of Pepper he brought, and the Rupees he took away. The Government demands witnesses; I refer the Government to a whole population. Nor let me be mistaken. This disclosure has been extorted from me. The feeling which dictated any sacrifice, to preserve unsullied the honour and reputation of my country, is something very different from any feeling which either courts praise, or quails at censure.

28. On the 18th of April, the arrival of a guest, a gentleman from Manilla, induced me to return to Telli-cherry.

29. It was then that I learned, in detail, not from choice, nor curiosity, nor inquiry, but from necessity, from the sole staple of conversation, from facts and particulars in the mouth of every gentleman I met, and of every respectable Native, an explanation of what had hitherto passed my comprehension, the causes which had convulsed this Province, from one extremity to the other. For if dismay and alarm had prevailed throughout North Malabar, South Malabar had been the scene, if possible, of greater; insomuch that a Native gentleman of Calicut, whose means of information are the very best, told me that the Rajahs and principal persons there had secreted

* It is necessary to bear in mind the very different value of money in Malabar and Canara, and that to the receiver and the giver, a rupee may there represent a pound sterling elsewhere.

† Voucher A, (not printed, being too voluminous.)

all their gold and valuables, and had taken steps to fly instantly into Travancore !

30. From this explanation I learned, that the first shock which the public confidence received, was the arrival at Tellicherry, in a Pattamar * from Mangalore, of five ladies with their infants at the breast, without food, without water, some without a change of raiment, or a mattress to lie on. These ladies were five out of a number of eleven, who, with thirteen children, were put on board a Pattamar, in the river of Mangalore, on the 4th of April. A cry was raised, "the Coorgs are coming;" the cable was immediately cut, there was no crew on board, the boat drifted to near the river's mouth, there grounded, beat violently on the sands, and nearly filled with water; in which state, drenched to the skin, and expecting her every moment to sink, these ladies passed one whole night. On the following morning, they were descried and succoured. But the five in question and their children, without any other refreshment than a cup of tea, some in their drenched attire, were put on board another Pattamar and sent off to Tellicherry, there to appal every heart by the exhibition of their present sufferings, and the anticipation of their future woes.

31. The second great shock received, was the arrival of the Eamont on the 6th of April at Cannanore, bringing all the other ladies and children, two gentlemen (one, it is said, compulsorily) and the two Judges of Mangalore; who, as is known to all, officially, and, I believe, conjointly, reported to the Government that they feared all human aid to Mangalore was vain: that the abandonment of the place by all the Europeans and Sepoys had *unanimously been* determined upon, and fruitlessly attempted, on the 4th of April, but that they (the writers) and the persons with them,

* An open coasting vessel.

it was feared, alone survived to bear witness to the truth of the tale.

32. Sir, if my wonder was not dissipated, if my absence and position made me the last person to hear all these astounding particulars, it was relief inexpressible to hear them, possessed of the assurance that not a single European, nor hardly a Native, life had been sacrificed at Mangalore, that the British flag had long since replaced that of the Insurgents, and that the British authority was either restored, or had continued unshaken, throughout all the ancient districts of Canara.

33. Then it also was that, of the European residents at Tellicherry, I was, I believe, the last to read, what had been in all other hands, the letter of the 15th of April, (a copy of which accompanied my letter of 31st of May,) from the Native of Mangalore; giving to his family an account of the state of terror and anarchy into which that town was plunged from the 3d of April, and of the scenes he himself witnessed on the 4th and on the 5th, the day of the first attack. No sooner did I read this letter, than I urged its immediate dispatch to the Government, in order that the attention of the Government might be timely awakened to events, the real nature of which was no longer a doubt to the Natives of the two Provinces, nor to any of its own servants.

34. Solicitous, moreover, to have more information, and being possessed of property at Mangalore, I dispatched thither some queries, founded on the details given in this letter, and directed some of the rebel ammunition to be sent to me, for the purpose of comparing it with the kinds which the Natives, in this neighbourhood, fabricate and use.

35. The answers returned to the queries fully bore out the letter : it was further completely borne out, before my return to Tellicherry and before, I believe, every gentleman

there, by the testimony of Hadjee Oomur,* a very respectable and opulent Mahomedan Merchant of Mangalore, who witnessed the two attacks upon the town, and who stated to all, that the number of armed insurgents did not exceed 500. The Hadjee having successfully defended his property from pillage during the attacks, no longer deeming the persons of his large family secure, when numerous troops entered the place, came with them all to Tellicherry.

36. It was also on my return, that I obtained an explanation of another incomprehensible circumstance. The panic-struck people had repelled all my arguments to calm them, by declaring that the European Residents had engaged and detained a ship to embark in and sail away. On the arrival of the Eamont at Tellicherry, it occurred, first I believe to a valued friend of mine, that the services of this ship might be valuable, in transporting a body of troops to Mangalore. He proposed, and all others concurred, that she should be detained at the joint private expense, until the offer of her was made to the Officer Commanding the Provinces. The intention of this patriotic and considerate act was beyond all praise. Unfortunately, its object seems not to have been freely and unreservedly communicated to the Natives. They saw and heard only, that the ship was detained at the height of the alarm, and they jumped to the conclusion, not now I fear to be easily eradicated, that, as at Mangalore, so she was now engaged for no other purpose, than to bear all the residents away. Of such moment is it, at all times, but particularly in times of alarm and disturbance, that public men who not only represent, but who are, the Government, should weigh with scrupulous care the impression which the best intentioned, as well as the most indifferent, act may make on the minds of the Natives around them.

Also by Abdul Latif, another Mahomedan merchant, and by the Mooftee of the Mangalore Court, who likewise came away to Tellicherry.

37. The events I afterwards heard of were, the Proclamation of Martial Law in Canara, the assembling of a Court Martial at Mangalore, the centre of agitation and excitement, presided over by the Officer there commanding to try the Prisoners, and the abdication by His Lordship in Council, in their case, of his prerogative of life and death into the hands of the Officer commanding the Provinces.

38. On the 15th of April, the Bombay Troops reached Mangalore. The troops that had been poured in from Cannanore and Mysoor had, as was known, long preceded them. It was after this intelligence had been public several days, that a scene was acted at Tellicherry which shocked me past endurance.

39. On the 20th or 21st of April, I beg the date may be attended to, a gentleman drives down full tear three miles from his house to the beach, where a group of others, myself of the number, were assembled; throws himself from his Bandy, his horse a sheet of foam, bestows not a sign of recognition upon any one, seats himself on a stone, pulls a letter from his pocket, and reads aloud to all present, "that all Canara was in revolt, all Mysoor and all Coorg ready to rise, and that the most formidable and extensive insurrection India ever saw was on the eve of breaking out." He had stopped on the road a gentleman driving a lady, and had at first read to them, that a most extensive *massacre* of Europeans had taken, or was to take place! I appeal to this gentleman, if he did not. The authority for this intelligence was declared to be undeniable; every word of it was credited, and then came reproaches and upbraidings of the Principal Collector for keeping so large a sum in his Tellicherry Treasury; of the temptation it held out to the Coorgs to come, and sack, and burn the European houses; of the ease with which the exploit might be performed before any one was aware of it; of the risk it heedlessly exposed the Europeans to: and then came suggestions of the propriety and necessity of

removing this treasure. Its removal into boats had, I hear, been mooted once before.

40. And who was the person who thus conducted himself? What was the scene of this conduct? The scene was, the populous town of Tellicherry, the Sudder (principal) station of the two Provinces of Malabar and Canara, open to the sea, with a defensible Fort, within sight of the cantonment of Cannanore, and about a hundred miles away from any disturbances. The person who thus conducted himself was the first Judge of the Provincial Court, in standing the oldest Civil Servant, in rank the first man in the two Provinces, and, at the very time, the Judge actually on his Circuit to Canara, there to hold criminal Sessions!

41. Let it be imagined possible that, after the Irish rebellion was known to be entirely suppressed, and the authority of the Government firmly restored, an English Chief-Justice (the comparison will, I fear, be set down as odious,) could produce at Tilbury Fort, a letter in the manner I have described, and there read from it to all who might chance to hear, that Ireland was again in a flame, Scotland ripe for rebellion, Wales in arms, and the most formidable insurrection England ever saw, ready to burst upon her; and thereupon, that he should express his doubts, lest his house and furniture (his house from which he is obliged to see such a Cantonment as Cannanore!) should be plundered and burned, before he was aware of it, and suggesting that all temptation should be removed that might lead to so probable and so heinous an act.

42. Such a scene in England would be more than innocuous. Far different, however, might its consequences be on the spot where it was exhibited. The reader knew not, but that the contents of the letter he produced might be sent, that moment, to the Papers, as every absurd, calumnious, tale has been sent, and disseminated, on the

authority of the first Judge of the Provinces to the four quarters of the country.

43. If the smallest tittle of this monstrous intelligence had been true, the oldest Civilian, the highest functionary in the two Provinces, one would think would have been the man, above all other men whatever, to bury it in the deepest recesses of his own breast, lest, if even whispered to himself, echo should hear and repeat the damning tale. But when every part of it was so plainly monstrous, so palpably unworthy of a moment's belief, what must have been his state of mind, what his calmness and self-possession, both before and at the time, when, instead of tearing such a letter into a thousand pieces, and warning the writer how he again trifled with a person holding his, the First Judge's, high and responsible station, when, instead of this, he flies to produce it, and publishes its contents, it may be said, *in triviis* !

44. The same functionary scrupled not to proclaim, with all the authority of his acuteness, let him say that he did not also write it, as an undoubted proof of the treasonable intentions lurking in the breasts of the inhabitants of Tellicherry that, "for some days, they looked as pleased as if they had got the Lac of Rupees in the Lottery!" Admirable and characteristic illustration of treason in a Native population ! This gentleman will suffer me to interpret for the inhabitants, since they cannot interpret for themselves, this look, big with a lac of meaning, which they put on. I can assure him, upon their own indubitable testimony, that they merely meant to express by it those feelings of jeering and derision, at the blank looks they saw which, convulsing them internally, at length mastered all Native powers of face ; feelings which men would vent elsewhere in shouts to rend the earth.

45. This, Sir, was the real, and, they trust, the excuseable, meaning of "the looks" of the people of Tellicherry ; looks, which they hope will not be held to

compromise a century and more of unshaken loyalty and fidelity conspicuously proved to the British Government.*

* The Fort and Factory of Tellicherry, a territory about five miles long, and not one mile broad, have been in the peaceable, uninterrupted, possession of the British Crown since the year 1668, a period of 170 years. During the same period, if small things may be mentioned with great, England herself has witnessed one Revolution, and three formidable Rebellions. In the war with Hyder, of 1769—70, when the British power was reduced to the lowest ebb, when Hyder overran the Carnatic, when his troops filled Malabar, and securely held all Canara, when not a Rupee remained in the Bombay Treasury, nor a man could be spared for the defence of Tellicherry, the Chief and Factors received orders to abandon this, the remaining British settlement in the Province, and remove with all the public property to Bombay.

In this extremity, all the heads of families, Hindoo and Mahomedan, Nyr and Mapilla, with one spirit and with one accord, came forward, and voluntarily bound themselves in writing before the Chief, not only to enrol themselves, but to contribute for the defence of the place, one-fourth of the *rent* of all their rice fields, and one-fifth of that of all their gardens, both estimated *in produce*, according to the ancient, uniform, equitable, and invariable practice throughout India, *previous to British rule*.

This engagement, *the first land-tax* the inhabitants had ever known, was joyfully ratified by the Chief, in the name of the Government of Bombay, and the place was maintained and saved.

Among the numerous and important political consequences which speedily resulted from this signal and timely act of fidelity and devotion, a prominent one was that, in the subsequent war with Tippoo, a large division of the Bombay army was enabled speedily to advance from the Western Coast, and by effecting a junction with Lord Cornwallis under the walls of Seringapatam, powerfully contributed to secure the peace, which the Governor-General then dictated to the Sultan, (1792) one of the chief conditions of which was, the cession of the whole of the Maritime Province of Malabar, an area of about 6,000 square miles, and a population of 800,000 people, to the British Government.

The last survivor of this band of faithful and devoted men, a patriarch of nearly one hundred years, died about four years ago. Often have I heard from his lips a narrative of the scene which then passed; a scene, when despair and despondency in the Chief and Factors were exchanged for gratitude, confidence, and exultation. This man lived to see the *corn-rent* of one-fourth of his rice lands, which he had engaged to pay,

46. But what was the meaning, which the First Judge fixed to these "looks" himself, and designed should be affixed to them by those to whom he addressed himself? His meaning, at the time and under the circumstances, could be no other, than that the inhabitants of Tellicherry were exulting in their hearts at the reported capture and burning of Mangalore by the Insurgents, at the defeat of the Sepoys, and the massacre of all the Europeans!

47. It was the first and the oldest British functionary in these two Provinces, who circulated this belief in the diabolical treachery and malignity of a people, among whom he has been dwelling in peace and security for the last twelve years. This gentleman says that, throughout the course of nearly forty years service, he has "made it a

converted really into a *money* tax of one-half; and the *produce* rent of his gardens, of one-fifth, into a *money* tax of often more than a half: he lived to see a succession of tax-gatherers follow each other yearly, and, year by year, come and survey his gardens, there count and note every tree he had planted, and, when the first fruit appeared on its branches, rate the tree as *full bearing*, and exact from him the full money tax; he lived to be compelled to choose by the Madras Government between the following alternatives — either to pay the full money tax upon *all his past bearing* trees, or to have them all cut down — to have cut down, before his eyes, all his past bearing Cocoa-nut, Betel-nut, and Jack, trees, he having no further right nor property in them, he being a biped creature, paying revenue, nothing more!

All this did this Mapilla, for he was a Mapilla, live to see; all this do his descendants, and the descendants of his fellow-townsmen and fellow-subscribers see, and patiently suffer; those descendants have also lived to be taunted and branded, as traitors to the British Government because a tumult occurred 100 miles off, and because they were the astonished hearers and spectators of all that followed this tumult in Canara and Malabar! This has been their treatment; their treatment, after they and the people of Malabar universally (as also of Canara) gave, only four years ago, another most striking proof of their fidelity, in having resisted, to a man, all the offers and inducements which the Coorg Rajah, seated on his Musnud, and with a full treasury at his command, held out to them to join him in his hostilities against the Government.

point not to encourage *what are called Native visits.*" The practice, on this authority, must be held indisputable: I truly believe that not a Rajah nor Native of rank crosses his threshold; and they will admit, that he knows as much of the people and of the country, as the day he entered the latter. But they presume that his candour has made him prefix this declaration, as a standing motto, to all the voluminous Sessions and Circuit Reports he has yearly compiled, to be transmitted to the Court of Directors, and consulted by the English authorities, as correct and faithful expositions, founded upon his personal knowledge and inquiries, of the internal state of two important and distant Provinces, over all the tribunals of which, Criminal, Civil and Magisterial, he presides in chief. But where, I ask, was his sense, not of justice, not of consideration, to the people; if twelve years of their marked and uniform respect and attention, if 42,000 Rupees of their toil and sweat paid yearly to him, had failed to imbue a human breast with feelings of kindness and trust? where was his sense of duty to the Government, at a time when that duty required him to be the foremost man in showing, and in committing the first man who failed to show, the most unbounded confidence in their loyalty and attachment; a time, when commotion agitated one Province, and alarm the other; where was his sense of duty to the Government he serves, and to his country, when, at such a time, he, the First Judge, could publicly exhibit, and inculcate a totally opposite belief? If such conduct towards the Natives of their European rulers, if such wanton sowing of dragon's teeth among them, produce not this portion of the earth in the fulness of time, bristling with armed men, arrayed against every man and every thing that is English, Divine Justice sleeps! But the First Judge has served his Annuity; the reaping of this harvest regards not him.

48. To witness such conduct, to hear such a speech, is, I own, a just retribution which injured humanity has

doomed me to suffer, for preserving silence on another occasion.

49. That a Judge should voluntarily and freely state, that he had hanged the wrong man, and wrongly transported another for life, in a case of murder; that he should state this to the Judicial Officer, who committed the case for trial before him; that this Officer should declare to the Judge, that he also had come to the same harrowing conviction, relative to the innocence of these men; that this Officer should instantly prepare, for submission to the Court of Fonjdaree Udalut, the irresistible grounds of his conviction, terminated by an earnest prayer to be allowed to take further evidence in the case; that he should communicate these grounds to the Judge, and beseech him to concur in, and support, the prayer; that the Judge should distinctly refuse; that one of the Judges of the Fonjdaree Udalut should thank God that he had had nothing to say to the case; that another of the Judges should express his fears, lest a judicial murder had been committed; that the collective Court should, nevertheless, *at the distance of eighteen months after the reference made to it of this case*, affirm the first conviction, and negative the prayer; that the Judge, he who had condemned, and now believed in the innocence of, the two victims, he who knew that the survivor of them, the one whom the gibbet had spared, was by his, the Judge's sentence, wearing out his days as a transported felon, he who believed the real murderers to be still abroad; that this Judge, on learning the decision of the Fonjdaree Udalut, should declare, in writing, that "decision to be most satisfactory;" that I should know all this, hear all this, have afterwards in my possession the perfect proofs of the innocence of these two unfortunate men, and that I should have maintained public silence, is an offence, it is a crime, to humanity and to society which merits all the punishment I have suffered. With deep contrition do I

ask pardon of God and the people for it; although truth be the witness, that all that a powerless, private, man could do, to bring forward the case, I attempted, and that if a competent Court had existed, I would have prosecuted it.*

50. Not satisfied, however, with seeing a traitor in every Native face, an enemy in every form, the Post, the Press, private correspondence, and the public Papers, every European weapon, which the ignorance and helplessness of the Native render him incapable of wielding in self-defence, was relentlessly turned against him, in order to disseminate an universal belief in the lurking treachery and disaffection of the people.† The Members of the Government will say, whether this belief was not sought to be impressed privately upon their minds. At Ootacamund, Wynaad was reported to be in so disturbed a state, that the Sub-collector of Malabar, whose presence was urgently required on the Coast, was afraid to bring his wife through the district, one under his own charge! From Bangalore, the Commissioner of Mysoor officially reported to the Government, with all the solemnity of a King's speech, that he "continued to receive from all parts, the most satisfactory

* Since this letter was first printed, I have learned, accidentally, but from undoubted authority, that the late Governor of Madras, to whom I transmitted the proofs of the innocence of these two unfortunate men, left behind him a minute, recording his opinion that they had been convicted on insufficient evidence. Sir F. Adam quitted India in March, I in December 1837. To the hour of my departure from Tellicherry, not a word had been heard of this minute. What became of it?

I have now no hesitation in declaring to those who are acquainted with the people and the country, that in this case one Native was put to death, and another transported for life, upon evidence, that would not have justified the conviction of one of the lower animals.

† Throughout the Bombay Presidency it was reported and believed, that "the Coorgs, Mapillas, and Nyrs of the Coast were all in a state of rebellion. All the different Brigades (of the Bombay army) received orders to hold themselves in readiness to march at an hour's notice." In Ceylon, the 90th Light Infantry (Queen's) were under orders for embarkation and field service on the Coast!

“ assurances of quiet, and that the only danger of disturbance to the public peace was to be apprehended from the turbulent population of Malabar !” The turbulent population of Malabar ! a population guiltless of even a tumult for the last thirty years ! numbers of whom I saw, and every other man might have seen, humiliating and mournful sight to behold ! with natures so emasculated, as to have lost the instinct of self-defence, and to know no safety but flight !

51. Who was it, Sir, that so industriously and perseveringly disseminated these calumnies, both in society and among the European public ; calumnies that have been repeated by the Press of Bengal and Bombay, and which will be re-echoed in England ?* Who was it that thus

* Since my arrival in England, I have turned to some of the English Papers, and content myself with inserting, as specimens, the two following extracts of “ Mangalore News,” the first from a daily Paper, the *Morning Herald*, the other from a weekly Paper, the *Naval and Military Gazette* :—

Morning Herald, Sept. 4, 1837.

INVASION AT MANGALORE.—The following is an extract of a letter from an Officer of H. M. S. Winchester, dated Bombay, May 5, 1837 :—
“ The Admiral fixed the 15th of April as the day of our sailing for Colombo, when, on the evening of the 11th, an express was received of an invasion at Mangalore, and the hostile appearance of the Coorgs before the town to the number of 30,000 men, with the declaration from the authorities that they could hold out but a few days longer. A messenger was sent on shore by the Captain to state that, at the request of Sir John Kean, Commander-in-Chief, the Winchester would sail with a part of H. M.’s 6th regiment, and a Brigade of Artillery, at daylight next morning ; and, therefore, to prepare accordingly and be on board ; and at eleven o’clock the next day we sailed for Mangalore, with 200 of the 6th regiment, commanded by Major Crawford, and the Artillery, which were to be followed by the *Hugh Lindsay*, with 200 more. Mangalore is about 400 miles to the southward of Bombay ; and on our passage down we spoke the *Atalanta* steamer, from England, having touched at Cochin for coals. She informed us that the Coorgs were in great force at Mangalore ; and a Major of the ———, commanding 600 men, had been defeated by them. This news being taken on to Bombay, the *Atalanta*

laboured to poison the mind of the Government with doubts and suspicions relative to the allegiance, not of individuals only, but of the masses? Was it the Natives,

and Amherst, Company's sloops of war, sailed the following day with the 23rd Regiment to reinforce us. We arrived at Mangalore in forty-nine hours from Bombay, having had a splendid passage, and found the town still in the possession of the English. The Coorgs had been twice repulsed; but they succeeded in burning the houses of the Collector, Judge —, and many others, with all their property; and it was by the greatest miracle that the ladies escaped on board ship, and got down to Cannanore, where the 57th regiment are yet quartered, and Wellman, Bate, and many of our old friends are there also. We landed the troops immediately. Captain Uniacke was ready with his detachment of Royal Marines, to share in the glory if necessary. In a few days after, the *Atalanta* and Amherst arrived, when we went to Cassergode, and landed the 35th regiment there, a distance of thirty miles south of Mangalore. We returned to Mangalore in a few days, and found the enemy had disappeared everywhere; and as we could be of no further assistance, started immediately for Bombay, and arrived here yesterday."

Naval and Military Gazette, Sept. 16, 1837.

[FROM A CORRESPONDENT.]—Observing that the statement in your Paper of the 9th inst., relating to the affair at Mangalore, has created some doubt as to its authenticity, *you may rely upon the following facts lately received from that quarter:—*

"Towards the latter end of March, Mangalore was attacked by a numerous body of insurgents, and, during a few hours, burned to the ground, with property to a considerable amount, the insurgents declaring no war to the Europeans. Major —, of the Company's N.I., gallantly defended the place, and thereby saved the lives of all the civilians and women on the station; some of the latter escaped on board a vessel accidentally in the roads, others by boats to Tellicherry and to Cannanore. So well organized were the insurgents, that all communication was cut off with the Mysore; and the different places on the coast, for several days; at length Mr. — of the Civil Service, with the wives and families of other Civilians and Officers, arrived in open boats at Cannanore, and having reported these facts to Brigadier —, commanding H. M. 57th Regiment in Malabar, that Officer immediately ordered 100 men of the 2nd N. I., 400 of the 4th N. I., the flank Companies of H. M. 57th regiment, and a Company of Artillery, Pioneers, Iascars, &c. &c., under Colonel —, who arrived without molestation, and relieved Major

or was it Europeans *not* in the Service? It notoriously was not. I beg it may be distinctly remembered by all men that, on the occurrence of what was bruited forth as insurrection and civil war, it was no Native, nor English "interloper," that it was not one of these two classes, who exhibited to the world, "with damnable iteration," such a picture of the blessings enjoyed by the Natives under the Honourable Company's Government, and of the hold this Government possesses on their affections, after a century and half a century of rule, that a distant, contemptible outbreak, of a few hundred wild men, sufficed to sever in a day every tie of allegiance and attachment, and to set

——'s party at Mangalore, on the 12th or 13th of April. In the meanwhile Brigadier —— placed the Fort and Cantonments on the coast on the war establishment, which restored confidence to the Rajahs and other Chiefs who had applied to him for protection, in that neighbourhood. On the 16th of April, 200 of H. M. 2nd regiment arrived from Bombay; shortly after, Colonel ——'s party was considerably augmented by other detachments of troops from the northward, and, when the last accounts left Mangalore, orders had arrived from Madras directing Brigadier —— to proceed with a large force to take possession of the Lower Coorg country, and probably into the Mysore. *Reports, however, had reached us, that the Nairs to the southward of Cochin were in open rebellion against the authorities, and that European troops might be required in the Travancore district."*

These statements, however delivered as *bonâ fide*, defy all correction. Those who desire to see many more similar ones, have only to refer to the Papers and Publications of the same date, which profess to be the sources of correct East India intelligence. But I entreat the *English reader* to remember, and I am sure he will not remember it without a blush, that these are the accounts to which *he* is obliged to trust for all information relative to a distant, a prostrate, people; who have neither the means of knowing what is written and published to their prejudice, nor the ability of exposing its falsehood; while they are the certain victims to the universal indifference in their fate and fortune, generated by this wide-spread belief in the hatred they bear, and in the treachery and disaffection they are ever ready to show, to their English rulers.

them whetting their daggers for the throats of the European functionaries ! *

52. In ordinary cases there are some limits to indignation ; but where are the limits, where the bounds, to it, when it is known, and can be proved as plain as day, that these calumnious reports, which compromised millions of innocent, defenceless, men, which might have led, as in Canara, to the proclaiming of Martial Law among them, and to all the unavoidable excesses resulting from the military occupation of large provinces, as it has led to the increase of troops, had not one atom of foundation, save in the imagination of those, who spread these reports to cloak their own ungovernable fears. "

53. I now appeal to the Governor and the Commander in Chief, individually. They cannot be tainted with the odious, vindictive, spirit of caste, they are not candidates for the Direction. As British subjects of the highest rank, and vested with the highest trusts, I ask them to survey this vast dependency of the Empire, to reflect upon the

* Whoever will be at the trouble of looking over the files of the Madras Conservative for April last, will find paragraphs of "News" from Canara and Malabar, which he would almost be disposed to think had been sent, with the ink fresh, from the Council Chamber to the Printing Office. There is not a Madras Paper which can be said to be known to the Natives in the Provinces, so that a free press is, at present, to them what the sun is to the blind, or rather what the sun is to the inhabitants of the Arctic regions during their long dreary night. While he is kindling and enlightening and vivifying the rest of the universe, on them his glorious rays shed no light, no radiance ; for them he has no warmth, no heat, no existence ! A people so defenceless are the very people whom, it would be supposed, a generous, paternal Government, commanding the services of salaried Law Officers would interpose to shield with the law from defamation ; on the same ground, that the weakness and ignorance of children and minors are held to render them the peculiar objects of public legal protection. Yet the Papers published on, private letters swarmed, and the Government took not one step to trace the reports, and to give the authors an opportunity of substantiating publicly what they wrote.

delicate breath of opinion which chains every portion of it to British rule. I ask them, by any supposition, however strained, to place themselves in my very humble situation, to imagine themselves land-holders of forty years' possession in a remote part of the country; and there to behold, when exerting all their influence, and expending their fortune, to preserve order, and inspire confidence among the Natives, to behold, as I did, almost in an instant, a terror and panic spread past belief, the apprehended dissolution of all Government, their own property, and that of every other man in the country, rendered not worth a day's purchase, even hardly safe from the temptation held forth to its immediate plunder.* I ask them to think of this scene, to revolve all that I was obliged to hear, and doomed to see, on my return to Tellicherry, and I then ask his Lordship and his Excellency, as British Officers, how they would feel their uniform to wear, if, after this, they had maintained absolute silence towards the Government? I anticipate both their answers. Sir, I, too, am a British Officer.

54. Not to be precipitate, however, I waited for the Officers of the Government to come forward, and put the Government in possession of facts and details, which were flying from mouth to mouth. I anxiously waited for nearly two months, after the British authority was re-established in Canara, in the hope of seeing some public notice, other than lavish, indiscriminate praises in the Gazette, which should satisfy the people of the two Provinces, that the Government was not wholly uninformed of the real nature of the events which had occurred, and of the danger to

* It has been established by the clearest evidence, at the last (July 1837) Criminal Sessions for South Malabar, held at Calicut, on a trial for burglary; in which a house was entered and robbed of all it contained, as deliberately and undisguisedly as in open day; that the crime was committed, as confessed by the perpetrators, for the reason that "now was the time (the time of the alarm) to get rich, by robbing all those who were so!"

which their persons and property had been causelessly exposed.

55. I expected, in common with all other men, that, without particularizing those events perhaps, or naming individuals, the Government would so far sympathise in the losses and sufferings which its peaceable, unoffending, subjects had endured, from no fault nor misconduct of their own, as to publish a strong, earnest, and energetic remonstrance, appealing to the honour, the patriotism, the sense of duty, of its (European) servants ; recalling to them the vast trust reposed in their hands ; reminding them that, when all other exclusive privileges and monopolies were proscribed and rooted out, the great and magnanimous confidence of their country had virtually continued to them, the exclusive privilege of governing and ruling over one hundred millions of their fellow men ; had still continued to them the glorious monopoly of doing, in their public and private capacity, to these millions, that boundless sum of moral, intellectual, and physical good, which the fervent wishes of the British people, embodied in one aspiration, desired should mark and distinguish the future connection of Great Britain with India ; that the public servants are the sole depositaries of all power, of all influence, and of all authority, the sole mirrors which reflect upon those beneath them, the honour, the dignity, and the authority of the British Government ; that they are also the sole reporters of their own acts and of their own conduct ; and, hence, that not a thought, it was to be hoped, could find entrance into their breasts, which could lessen that honour, lower that dignity, or impair that authority.

56. It is superfluous to say, that I waited in vain for any such appeal ; nay, the public (and private) dispatches to Mangalore were reported to be only the more and more encomiastic, the powers they conveyed only more and more unlimited, the identification of the Government, with every act and proceeding held there, only the more entire and complete.

57. I, therefore, at length, deemed it my duty to address the Government, with the design of strongly awakening its attention to the character it was filling in the eyes of the people of Canara and of Malabar; a character, which seemed to me incompatible with the diffusion and continuance of quiet and contentment in these Provinces. I wrote warmly, for I felt warmly; I feel so now, and shall so feel, as long as feeling I have. But I wrote as generally as my design permitted; with two or three exceptions, I am a stranger by name to every Officer, Civil or Military, in Canara.

58. My letters, despatched under the safeguard of official confidence, had hardly reached Madras, when copies of them were transmitted, with profound mystery and secrecy, to Mangalore, coupled, as it appears, with an intimation, of a Commission of enquiry being probably held, in consequence, at some future time.

59. If the circumstances I detailed were unknown to the Government, yet should nevertheless prove true, candid and impartial men, solicitous alone for the truth, will, I think, admit, that no course was more imperative, both for the honor of the Empire and the satisfaction of India, not only that no step should be taken, which might be construed into a design to render inquiry illusory and abortive, by making the discovery of the truth impracticable; but that no step should be indirectly permitted, which might be open even inferentially to the same construction.

60. If my letter was sent to Mangalore with the knowledge of His Lordship in Council, with this decisive proof before my eyes, that, from the hour of its receipt, His Lordship in Council, the final Judge and the nominator of the Commission, was determined to throw the whole weight of his station, of his authority, and of his opinion into the opposite scale; it would be the height of presumption and indecency in a private, unsupported, solitary, friendless, individual like myself (even if every public man regarded

not himself as bound to follow the example set) to array himself against His Lordship in Council.

61. If my letter was privately transmitted to Mangalore, by Officers high in the confidence of His Lordship in Council, the result, in defeating and compromising the ends of enquiry, is the same. In this event, His Lordship in Council can alone vindicate his authority; it is the weight of His Lordship in Council, which can alone now pursue, with any hope of success, an enquiry into events and occurrences of more than six months' date, involving the conduct of high Public Officers exercising supreme authority, and removed 500 miles away from the seat of Government.

62. If it were possible that I could be guilty of such gratuitous cruelty, not to say mockery, the humanity of His Lordship in Council would never suffer me to produce, as witnesses before the Commissioners, the Natives of Mangalore who have unreservedly communicated to me, what they saw and what they heard. His Lordship in Council would not suffer any Natives to be placed in a situation, where they would be compelled to choose between their fears and the truth on the one hand, and, on the other, the inculcation of their European rulers, irresistible from rank, from office, from power, from emolument, from connections; actively busied up to, and during, the very hour of enquiry, in pursuing, seizing, and committing for trial capitally, all persons suspected or accused of participation, overt or covert, in the late disturbances,* and fully prepared

* I was informed by a Native of Mangalore, that he saw the town-crier go about the town, about a month ago (October, 1837), with a paper in his (the crier's) hands, from which he read aloud, that all persons were forbidden to *speak* of the late disturbances, under pain, if heard, of being taken up and committed to Jail. I asked the reason of this Proclamation. "To frighten and silence the people," replied the man. "As to committing prisoners," said he, "if there was another Jail at Mangalore, as large as the present one, that too would be filled with them." Observing my great surprise and incredulity relative to the Proclamation, he produced a Talook Gomastah to corroborate what

to meet enquiry by public, recorded, approbation. If they were spared now, these witnesses would believe that it would only be to be marked and hunted down hereafter.*

he said. Of the "rebel" prisoners, the Special Judicial Commission had, by the middle of September, tried 200, who were not half the number of those whose trials were then determined upon; and as the Commission did not leave Mangalore before the beginning of February, not less than about 500 persons, in addition to those executed by Martial Law, must have been arraigned and tried upon the Madras Statute of Treasons, in consequence of this unhappy outbreak. There remains to know how many more died in Jail, a Jail proverbially deadly and fatal to the Natives confined in it.

* Not content with preserving a silence of months, the mark of approbation which, in the eyes of the Natives, would be considered as the strongest the Government could pass on the occasion, not satisfied with this course which, in their minds, would be open only to one construction, the Government went beyond it. The Government (it is to be placed in a most painful situation to have to state facts which stagger all belief) even went beyond the law! The Government vested the Magistrate of Canara, individually, with the power of pardoning any persons whose evidence he might require, to convict the prisoners he himself seized and sent up for trial, and coupled the investiture with the observation, that the Government put "the most implicit trust in his exercising the power with the soundest discretion." By law, (Regulation 8, of 1802, Section 20,) the power of pardoning accessaries is vested solely in the Governor in Council, upon the recommendation of the Fonjdarry Udalt, and that for the crimes specified, viz. "murder, gang-robbery, arson, and the like." The Regulation, of course, contains no clause, no provision, by which he can divest himself of this power, and depose it at will into other hands. Further, in rebellion, the imputed crime, all being principals, none can be made accessaries or approvers.

What a spectacle, from first to last, was presented to the Natives! In the case of the prisoners condemned by Martial Law, they saw those prisoners led to death, without the Government deigning to satisfy itself of their guilt: in the case of the other prisoners, they saw the Government set aside the law, strip itself of the prerogative of pardon, and vest that prerogative, unlimitedly, in the Magistrate, in order to secure convictions; and this at a time, when it was formally announced to the *Public*, that the Government were sending Commissioners to Mangalore "to investigate the affairs of Canara, &c.!"

The Government and the people of England expect the willing obe-

63. I admit that the design has been well laid, that ample time has been given to marshal the incidents, and prepare the conclusion :—

“ Et quæ sibi quisque timebat,
Unius in miseri exitium conversa tulère.”

But I must be forgiven, even when the intended moral is the warning of the Native Spectators by my example, if I decline to fill the blended part of dupe and victim, in which it is designed that I should singly act and suffer.

64. At this present time, nearly seven months after the events, in this, the eleventh hour, with all the statements in the official letter of the Judge of Mangalore, uncontradicted as regards the public, with every functionary, whose conduct that letter professes to relate, maintained in authority at Mangalore, and exalted by power and praise, the

dience of the Natives of India. They are prepared to exact that obedience, upon the requisition of the local Government, with all the physical force of the Empire. If the settled design had been to goad on the Natives of Canara into rebellion, to imbue every man in the Province with an indelible spirit of hatred and abhorrence of the British Government, to keep their minds kindling with a fever of indignation, let me put it to any upright, impartial, man to pronounce, whether a more likely or more effectual course of measures than this could be taken? And when it is known, that the Natives have humbly and patiently borne and submitted to all, that not a tumult has occurred, not an order been questioned nor disobeyed, nor any of the functionaries continued over them treated with anything but respect; is it, I ask, in the power of human beings to give more convincing proofs of their peaceful, orderly, quiet dispositions? Is it in the power of men to give a more unanswerable denial to the charge of disaffection, *sought to be fixed upon them*, in order to colour this treatment? Or is it possible for men to show more forcibly, how truly they deserve that a strict, an impartial, and a public inquiry be made, without respect to persons or authorities, into the transactions of Canara, and into every circumstance connected with them, in order that the British Government may truly know, who have been the breakers of the law, who the fomenters of sedition; what all the miseries, and indignities, and sufferings, heaped upon this people!

question is not, what I can substantiate, nor, let me say with all respect, can it be made the question.

65. All that a loyal subject and private man could do in his position, to preserve and maintain inviolate the honour and authority of the British Government, during a season of public ferment, I did.* But the supreme Guardians

* VOUCHER B.

*Principal Collector's Office, on Circuit,
Kakancherry, 19th Oct. 1837.*

TO F. C. BROWN, Esq.

SIR,

I have the honour to acknowledge the receipt of your letter of the 16th inst., requesting me to state my opinion, as to how you discharged your duty to Government, as a British subject, and as to the example you, as an individual, set the inhabitants at the time of the unfortunate outbreak in Canara in April last.

2. In reply, I have no hesitation in saying, that the calm firmness displayed by you during this period, was attended by the best results, and restored confidence to the people around you, who had been considerably alarmed by the ill-timed and unnecessary fears of others; and that the example you set generally was the talk and admiration of the Natives. I may also add, that I learnt from one of the European gentlemen at Tellicherry, whom I saw shortly after, that your determination and example had been highly useful, and under the circumstance then brought to my knowledge for the first time, very valuable.

3. Nothing called, at that time, for an official report from me to Government, as Malabar was happily quite free from any participation in the disturbances of Canara; otherwise, I should certainly have stated freely my opinion, as regarded the share you had in allaying the excited feelings of those around you. As some accounts, however, would be looked for from me, they were submitted in a demi-official form; and I had occasion in these letters, to notice the information that I had, at different times, received from you; I stated also generally, that your conduct, throughout the trying time, "had been admirable."

I have the honour to be, Sir,

&c. &c. &c.

F. F. CLEMENTSON,

Principal Collector and Magistrate,

of that honour and authority are the Governor in Council of Madras. The noble trust is not vicarious; it is infeasible. That honour and that authority, it is declared by all men, received a fatal shock, the national name a deep stain, by the attempted abandonment of Mangalore by every Officer, Civil and Military, on the morning of the 4th of April, twenty-four (36) hours before an insurgent appeared; this abandonment, all but unanimously subscribed in writing, has been officially known to, and has remained unquestioned by, the Government for nearly seven months. This is now the cause; two Provinces of the Empire are the Witnesses, the People of England must hereafter be the Judges. No private man can be suffered to interfere, and distract the attention from the public, privileged, actors to himself.

66. Sir, it is a general rule in the United Services of the Empire, an inexorable rule in one, which not the Lord High Admiral nor the youngest Midshipman can evade; that, in every instance of the loss, or the abandonment of a vessel committed to the charge of an Officer; even should the abyss have entombed her and left but a foremast to tell the tale; the survivor should immediately appear before a competent Court, and there purge the memory of his Commander, his Officers, and his Messmates from having failed, even in death, in aught demanded by the trust their country reposed in them. Scarcely a twelvemonth passes that this rule, which Honour and Patriotism have imposed upon Justice, brings not to light, even in times of peace, some heroic instance of constancy, firmness, and greatness of mind displayed under appalling perils; of a Commander, the impersonation of calmness, fortitude, and resolution, exhibiting in these moments, an attention to, a recollection of, every person around but himself; a fertility of resource, increasing with every emergence; and so infusing his own indomitable mind into the breasts of all under him, that the whole ship becomes instinct with one spirit of order

and resolution, which seems to say to the elements, "Roar on! ye cannot shake the hearts of Englishmen!" Great and glorious as are the triumphs of the British name, who is there that reads of one of these victories, achieved over danger and death by the exercise of these god-like qualities, without feeling his own nature inexpressibly exalted at the recital? Yet the hero of it, he, before whom men involuntarily feel disposed to bow as a superior being, is compelled to appear before his country, stripped of the sword his hands are so worthy to grasp. Sir! it was no vessel of the Empire, it was a part of the Empire itself, it was a Million and more of men, that were trusted to the functionaries of Canara, to defend from the moral tempests of anarchy and civil war, as long as a foot of ground remained to tread on.

67. And what recollections are there not associated with the theatre of this reported conduct! Mangalore, the grave of hundreds of a garrison of a few thousand (3546), Europeans and Sepoys, who, the historian relates, under their heroic leader Major Campbell, successfully resisted for nine consecutive months the whole army of the Sultan of Mysore, "amounting to 60,000 horse, 30,000 disciplined Sepoys, 600 French Infantry under Col. Cossigny, Lally's corps of Europeans and Natives, a French troop of dismounted cavalry commanded by an Officer of the King of France, irregular troops to the amount of many thousands, and nearly one hundred pieces of artillery." They resisted, until two-thirds of "the garrison were sick, and the rest had scarcely strength to sustain their arms," in which state "they marched to Tellicherry, with their arms, accoutrements, and all the honours of war."

68. The present occasion is one, therefore, when all men must feel, that private regards and considerations must merge in a regard for the public weal and the national name. All men will echo the sentiments of a great writer: "A man who loves only himself, without regard to friendship

or desert, merits the severest blame ; and a man who is only susceptible of friendship, without public spirit, or a regard for the community, is deficient in the most material parts of virtue."

69. I presume it will be a matter of positive instruction to the Commissioners, to reject all inferior evidence when the best possible can be obtained. I have already stated that I repaired, on the first rumour of disturbances in Coorg, to the part of the country where my influence could be best exerted in preserving order, and inspiring confidence. It was impossible, therefore, that I could be at Mangalore, or at other places, to speak personally to events or occurrences, which happened at them: and fortunate is it, for the ends of truth, that this is the case, for the persons who can speak, are above exception; they are all, "within the pale," are all officers, Civil or Military, in the Service, whose testimony will relate to events, which they either witnessed and took part in, or that they heard of from the actors.

70. The letter of the Judge of Mangalore, the minutes of the Civil and Military trials held there, and the spontaneous confessions of the prisoners, are public, authentic, indisputable records, to inform the Commissioners, and direct their inquiries. I know not whether the *venue* of the latter, as of the trials, be unalterably laid at Mangalore. If it be not, and His Lordship in Council desires to abridge and facilitate the labours of the Commissioners, he will instruct these Gentlemen to begin them at Cannanore. It was there that the Eamont landed all the persons she received on board at Mangalore; it was there that they gave a narrative, fresh and vivid, of what had occurred, of what was done, and had been intended to be done, up to the hour of their leaving the place.

71. The Honourable Mr. Sullivan can tell the Commissioners, I crave his forgiveness if I am in error, whether he has not read an extract of a letter from a gallant young

Officer, a witness of undisputed authority, comparing the attacks on Mangalore to boys capturing bees' nests. The Chaplain of Cannanore will relate what he heard from the German Missionaries of Mangalore, who fled and took refuge with him; and I appeal to the honour of every British resident at Tellicherry to declare, whether the events of Mangalore, as related by the Native letter-writer, and by other unexceptionable witnesses, were not the universal, nay, the sole topics of conversation, at the period I returned among them; whether the order given to the Peons of Mangalore, when they again started into life, was not written from thence. They will likewise say, whether some ladies were sent to Cannanore, by sea, on the plea that the land road (13 miles) was unsafe, and whether a remonstrance was suggested to be addressed to the Officer Commanding the Provinces, upon the danger and imprudence of further lessening the number of troops at Cannanore.

72. The arms, means, and equipments of the Insurgents, will be best estimated from all the captured munitions of War, which are doubtless at hand, and ready to be produced; their designs and numbers, from their own confessions, from the wealth and intelligence of their wealthiest leaders, and from the population of their districts. The casualties of Colonel Green's detachment, 1,000 strong, exposed for a whole day to their fire, will show their skill as marksmen.* As to the means of resistance at Mangalore, a military eye will, I think, have little difficulty in fixing on a part of the ancient defences, which may be deemed inexpugnable; and the same eye will descry a Pagoda at Pootoor, stored at the time (in April) with grain, supplied with water, and capable of being held against all ordinary assailants. But there is another position which, it is to be hoped, the Commissioners will

⁷The casualties on the occasion were, I believe, a Drummer and a Bheestie wounded.

visit in person; the position chosen for the erection of a Gibbet, which was in progress of being raised at Mangalore, while the Court Martial was sitting, and trying the Prisoners.*

73. The Principal Collector of Malabar can describe the state in which he found Tellicherry, when he passed through to Cannanore; and the assistance he derived in discharging the very arduous and responsible duties it fell to his share to perform, for some time, unaided by any officer under him.

74. The two special Judicial Commissioners, deputed to Mangalore, can bear witness to the manner of their reception, and to the disposition manifested by the whole population, Hindoo and Mapilla, of North Malabar on their progress through the country; to the dangers they ran in South Canara, after the Magistrate of Canara had reported, that he could not answer for the safety of their persons on the journey to Mangalore, and advised their coming by sea.

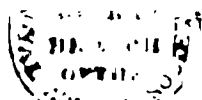
* The Officer who, it is stated, stopped the erection of this Gibbet, was Captain W. P. Macdonald, of the 41st N. I., the Judge Advocate who conducted the Trials. Immediately the circumstance came to his knowledge, with the spirit, the feeling, and humanity worthy of a Madras Officer, he refused to continue the proceedings, until the structure was removed. This Officer was afterwards first named as Secretary to the Canara Commissioners, in echo of his own merit and qualifications, and of the public voice. He had filled the same office in Kintody, and had been thanked in General Orders for his services. He had conducted the Military Trials at Mangalore, where he had resided for some time, in prosecution of the inquiries into the delinquency of the prisoners, necessary to the discharge of this duty, and had become officially apprised of, and familiar with, the leading events which had there occurred. A fitter Secretary could not be named, and the current phrase was, "the truth will now come out." But "*there was a screw loose somewhere*," as he wrote from Madras; where, and when fore, may be best known at Madras and Mangalore, and Captain Macdonald was not appointed. I am a stranger to this Officer, and only speak of him as I have heard him spoken of.

75. With regard to the sentiments of the people of Tellicherry, who have been so cruelly and unjustly maligned, there is one proof of their innocence, even in thought, so easy and complete, that I trust His Lordship in Council will instruct the Commissioners to reduce it to the test. The proof is, to direct a search for arms and ammunition to be made throughout the town. After the search, I will willingly give a Rupee to every male adult of the population, who shall show in public, that he knows how to prime and load a piece with ball, and will put a ball through a common target at forty yards.

76. I have now established to the conviction, I believe, of all impartial minds; first, that there are reasons unanswerable, which preclude my obeying the commands of His Lordship in Council, to attend upon the Commissioners, unfeigned as is my respect for these gentlemen, unless my design was to frustrate the objects of inquiry, by undertaking a duty, which pre-eminently pertains to the Government, and by it alone can now be adequately discharged: secondly, that if these reasons did not exist, it would be presumptuous in a private man, when so many public actors and witnesses are present and at hand, further to step out of the sphere imposed upon him, that of a sorrowful spectator and compulsory listener, whose offence it *primâ facie* is, that he gave expression to the feelings which all men around him entertained and privately uttered.

77. There are, moreover, other considerations of not less weight than the foregoing, which prescribe to me unalterably the same conduct.

78. It was observed to me, in April last, by one of the most influential Natives in the country, when conversing upon the events which had transpired: "The *Civil Gentlemen* (he used the very words) can sail away in ships, with their wives and children, on the breaking out of any disturbances, and find a full Treasury of Rupees wherever they go: but what are you or I to do? how, or where, are



we and the Koodians, (the people of the country) to take away our lands and families, and what belongs to us?"

79. This pertinent question was not only put to me, but the Government may rest assured, that it has been put and discussed, at full length, by the large and intelligent circle of this Native's acquaintance; and that subsequent events have led them to the following answer: "Either the Government knows not of these things, or it *does* know, and is determined *to ignore* them."

80. Had my lips, with baseness unheard, been sealed in the same seeming silence as theirs, had I, as they, continued to wait. "with bated breath and whispering humbleness," for what might next be vouchsafed to be done; yet the powerful workings of their minds upon what they saw, and upon what they might suffer, upon such soul-absorbing topics, as their individual safety, the safety of their wives and children, and the security of their property, as involved by the conduct of their European rulers, these workings would nevertheless have proceeded full surely, contemned and unheeded as they have been, and may be.

81. Circumstanced thus, We are driven to reflect upon the primal cause, the origin and fount of all these mischiefs; upon what must be the course of conduct, the course of uniform mental discipline, which men must become habituated to, when it is seen that, in the momentous position of the British Empire in India, public men of high official rank, mature age, and reputed experience, could bring themselves to harbour, and to act upon, such a resolution as the total abandonment and immediate loss of a large Province, specially committed to their charge.

82. Calm, dispassionate, and impartial men who, at a distance from the scene, at a distance from India, will consider this resolution, apart even from the occasion, and examine it in connection with the preceding narrative, will find it hardly possible to avoid arriving at the following conviction; that the whole system of internal Government

must permit, and sanction, so entire and unrestrained a latitude of conduct in public men, must be so devoid of anything like an approach to effective check, or to real responsibility, is so freed from every restraint of public opinion, and must teach so thorough a contempt for the feelings and sentiments of the Natives beneath them;* that there is no act whatever, not even the desertion of one Province, and the consequent convulsion of another, which they may not hazard, with the certainty of reaping immediate fame and reward upon their own reports, and with the assurance that, if enquiry does follow, it will follow only at the distance of many months, that they will be amply forewarned and forearmed, be maintained in power and authority, and be prepared and encouraged to meet enquiry with public, recorded, approbation.

83. Such a system not merely excludes every hope in a private man, it leaves room only for despair. Against the Assagai, the Tomahawk, the War-club, the Scalping-knife, or the Bush-arrow of the Savage, an Englishman dwelling in the Colonies of the Empire, may hope to guard by every prudent precaution, and by a blameless life, spent in the discharge of every kind and good office towards those around him. But against the passions, against the tumults, against the plunder, against the anarchy, produced by the flight of every authority, the end of all Government, and the surrender of all public trust, no individual prudence, no firmness, no virtue, can defend him. Had there been British Settlers and Capitalists scattered through Canara, it is *they*, who would have sealed this system with their heart's blood; it is their lives, their families, their properties, which, no man can doubt, would have fallen the instant sacrifices to the infuriated Natives, stung to madness at the desertion of the European Officers salaried and appointed to protect them, a desertion which the hapless victims could neither anticipate nor prevent.

84. The secret has thus been discovered, without violating the letter, of fatally and effectually blighting the spirit, of an Act of the Legislature, the grand, humane, enlightened, and politic provision of which, the provision which bade India hope, and Great Britain and the world rejoice, secured for the Act the title of "The Charter of India." Whatever may be the design of the law, or the promptings of the heart, the secret has been discovered, of warning every European British subject of character, respectability, and property, to fly far from this portion of India. No man who reads what I saw in Malabar, or reflects upon what occurred, and is related to have occurred, in Canara, can have a heart so devoid of the feelings of humanity, as to bring himself to desire, that his greatest enemy should venture his property, and risk the lives of his wife and children in a country, where the one and the other would be exposed, sooner or later, to the hazard of destruction.

85. Precluded in my own case from longer dwelling here in honour and security, I have been driven to seek to sever a family connection with these Provinces of nearly seventy years' duration. I have been driven to offer for sale the whole of my property on this Coast, this estate included, the fruit of forty years' toil and dear-bought experience, and a great amount of capital; where a population has been born strangers to another landlord; where, following the example bequeathed to me, the little good I have done, and the hope of being suffered to do more, have been the solace and the reward of days and years consumed in solitude and obscurity, away from all the enjoyments which most men deem life worth living for. Some minds may, perhaps, sympathise in the struggle which such a resolution cost.

86. But not a purchaser offered. In such a mart as Bombay, my property, this estate purchased from the Honourable Company, is not now marketable. What would

loan-holders in the Service not say, what measures would the Government not have instantly resorted to towards me, or towards British subjects like me, if it were possible, that I or they could be instrumental in rendering the Government Promissory Notes perfectly unsaleable?

87. Foiled in the desire to sell, there only remains to me to quit the country, and return to England. To that determination I long since came, and intended, if possible, to embark in the September Steamer. But my produce will not be shipped before the middle, or the end of November. I accompany, or follow it: happy, were it possible to forget elsewhere events and occurrences, which, when I reflect upon the sinister effect they have already had, and upon the effects which I firmly believe they will hereafter have, upon the honour, the character, the dignity, the strength, and the stability of the British Government, in the eyes of the people of this portion of India, I would freely give my life to have averted, and to avert.

88. There is a remaining duty forced upon me, from the performance of which, however painful, however fraught, as the warning voice of the past repeats to me, with the consummation of my own ruin, I am forbidden to shrink. To preserve silence, on the subjects of this letter, would be treason to the people of England. With the people of England it must rest, seriously to reflect upon the consequences involved in them; and to weigh, with deep and patient attention, what the moral, intrinsic, value of this, their greatest, inheritance purchased with the best blood of their country, is likely to be, when, their long minority ended, they shall be suffered to take possession, and be permitted to see, to survey, and to examine its real condition and past Government, by the light of their own unhoodwinked, unobstructed senses, and of their impartial, enlightened, and unprejudiced understandings.

89. I have only one request to make to his Lordship in Council. Ample time has been given to store up and

accumulate against me the odium of public men. To exasperate it among all, it has been stated that I have written many letters to Bengal, on the same subject. I have never written one; but as the present letter may possibly convey some information to the Right Honourable the Governor General of India, my request is, that his Lordship in Council will have the goodness to send a copy of it to his Lordship the Governor General.

I have the honor to be,

SIR,

Your most obedient humble Servant,

F. C. BROWN.

NOTE TO PAGE 166.

"Were there a species of creatures intermingled with men which, though rational, were possessed of such inferior strength, both of body and mind, that they were incapable of all resistance, and could never, upon the highest provocation, make us feel the effects of their resentment; the necessary consequence, I think, is, that we should be bound, by the laws of humanity, to give gentle usage to these creatures, but should not, properly speaking, lie under any restraint of justice with regard to them, nor could they possess *any right or property*, exclusive of such arbitrary lords. Our intercourse with them could not be called society, which supposes a degree of equality, but absolute command on the one side, and servile obedience on the other. Whatsoever we covet, they must instantly resign. Our permission is the only tenure by which they hold their possessions: our compassion and kindness, the only check by which we curb our lawless will: and as no inconvenience ever results (*to us*) from the exercise of a power so firmly established in nature, *the restraints of justice and property* being totally useless, would never have place in so unequal a confederacy. This is plainly" (says the ethical writer on Justice, who thought the condition he described could never be that of any human beings) "the situation of man with regard to animals."

I shall be accused of exaggeration; in the face of the testimony of a life, given to endeavouring to strengthen the Government, and to reconcile the Natives to it, by daily exhortation and example, whoever might be the local depositaries of its authority, I shall be denounced for prejudice and distortion. Let, then, those who seek for materials to inform and guide their opinions, who desire to have *facts*, as the foundation whereon to base their judgments, consider dispassionately the following narrative, and pronounce upon the amount of security of person, upon the degree of individual liberty, and upon the extent of the rights to property, possessed by, and permitted to, a people under a system of internal Government and law, to which the detail will furnish an index.

In the middle of last July, I was told that an opulent and respectable Native land-owner and merchant, living at the distance of some miles from me, had called and wished particularly to speak to me. I went to him, and, to my surprise, found him in the custody of a Delayet (a higher kind of silver-badged official, of whom a number are attached to

the persons and suite of European Collectors and Magistrates) and of two inferior Peons. He told me, that these persons had come to his house at Eerikoor, produced to him a paper from the Joint Magistrate, with a seal upon it, and directed him to sign it; that after he had signed and returned the paper, the Delayet said he had orders to search every part of his, Paree's house (Mehnee Paree is the Native's name) for the other gun he had found in his well, and which the Magistrate heard he had secreted; whereupon the Delayet and Peons entered his house, turned into the street all that it contained, the Grain, the Pepper, and every other thing, and probed and sounded it in every part: they next went to the rooms of the women of his family, and there did the same. He said that this was the second time his house had been searched in the same way, the first time by the Talook (county) Officers. Not finding any trace of the gun, the Delayet took him into custody, together with one of the Coolies (a Teenan) whom, with others, he had employed to clear out the well, and were now taking them both to Tellicherry; when, as they passed my house, he begged to be allowed to stop and see me.

The Delayet, before whom all this was stated, confirmed its truth; this man, whose father had long been in our service, made no scruple in telling me his belief, that there never was more than one gun found in the well, and that the story of the second was a fabrication. Nevertheless, the old man Paree, his prisoner, upwards of 72 years of age and in bad health, was in great and natural alarm; he said, he had never in his life been suspected nor accused of a crime, was wholly unacquainted with Courts and Cutcherries, and he, therefore, entreated that I would give him a note to the Joint Magistrate, to testify that he was a man of good character, not turbulent, nor ill-disposed (as his appearance and health, and the feebleness of his years, visibly bore witness), and that he was deserving of belief on his word.

It happened that I was thoroughly informed of the occurrence, which had led to his apprehension on this suspicion, of what seemed to be considered as constructive treason; this finding, accidentally in his well, of a piece of ordnance, a two or three pounder, two and a half or three feet long, which one able-bodied man easily carried on his shoulder; and hence was aware of the truth of all that he stated. The most considerable and influential Nyr, living close to Eerikoor, named Anunden Ejamahnen, or "*Lord*" Anun len, as the Native style him, had called upon me a few days after the discovery, about two months before, in the

end of April or the beginning of May, and had mentioned the particulars of it. He added, that a report had been got up of a second gun having been found, in order to extort money from Paree, but that in reality there was only one.

To give, when possessed of this information, the note he asked to an old and highly respectable Native, like Paree, would have been, at any time, an act of simple justice and humanity on my part: but, at that particular time, after the ferment and agitation into which the Province had been thrown, and from which the Natives were only slowly recovering, it became a positive duty to prevent, by every means, the refiring of the same train which might follow, if this accusation known to be groundless, raised against a man of blameless life and respectable condition, of his having produced one gun and secreted another, for the purpose of selling this other gun to the Coorgs, were credited by the Joint Magistrate, and hastily acted on. I, therefore, immediately gave him the note he asked to this gentleman, and he and the Cooley continued their journey, as prisoners, to Tellicherry.

The finding of the gun was this. Some three or four years before, Paree had bought a ground at Eerikoor, which had been part of the family property of one of the head servants (Karistens) of the Beebee of Cannanore, and had settled it, according to the usual custom, upon his daughter and her infant son. During the dry season of 1836, he had endeavoured to clear out an old abandoned well in this ground, but had desisted from alarm, on seeing masses of the sides fall in on the workmen. In 1837, a drought, unparalleled for severity and duration, desolated the country for eight months; from the beginning of September, 1836, to the end of the following April, not a drop of rain fell. The cattle were perishing in hundreds; most of the wells, even in the vicinity of the sea, were dry, and water became very scarce for the uses of the people. In this state of suffering, Paree, in the hope of getting a supply for his own family and for his neighbours around, and being best able to bear the expense of the work, again had recourse to the old well, and resumed the clearing of it. After the workmen had been so engaged three or four days, they first found some pieces of copper and metal and other remnants; they then came to something longer and weightier, which proved to be, to their surprise and that of every body else, what they called "a Great Gun," (Valia Tok). The neighbours and town's people flocked to see this gun hauled up; when up, the four Mookistens, or Parish Elders, immediately came to see it; they sent for

the Potal (Adigaree), and he came. He and the Elders thereupon drew up and dispatched a formal *procès verbal* of the discovery to the County (Talook) Cutcherry; the county Duffadar (Head Constable), and a body of Peons arrived at this time; he and they all saw it. They were on their way to receive, and escort to Mangalore, a body of Canarese prisoners, who had been seized in Coorg, and were being marched down after the late outbreak; thus establishing the fact, that the well was being dug, and the gun found, *after* this outbreak was universally known to have been suppressed.

The gun was then taken away to the County Cutcherry, whither Paree, although ill, was summoned (a day's journey from his home) and a particular deposition of its finding taken from him. About six or eight days after, the Potal and Pari-th Elders were likewise there summoned, and similar depositions taken from them. The gun was next removed from the County, and sent, with all the reports, depositions, and examinations, to the Magistrate's Cutcherry at Tellicherry.

It appeared from them, that nor Paree, nor Potal, nor Elders, nor neighbours, nor any one else could, in their ignorance, explain how the gun came into the well. It never was suspected, nor charged against Paree, that he hid, or that he or any one else knew of, the gun being there; it never was doubted, but that the gun was found by pure accident, in the manner described, buried six or eight feet in the mud: the charge *constructively* against him was, that he had found *two* guns, had produced only one, and secreted the other, with the intention of selling this other to the Upper Coorgs; to the Upper Coorgs who, let it be remembered, had continued steadily faithful throughout the late commotion in Canara, and had very mainly and actively contributed to its suppression; and of selling this gun to them, *after* the commotion was entirely suppressed. Whence the inference arrived at against him seems to have been, that he was a traitorous, evil disposed person, who cherished hostile designs to the British Government, designs of aiding its overthrow with this hidden two or three pounder, without powder or ball. He had at this time, like every other man, the Government warrant for having, if he pleased, in his open, undisguised possession, fifty guns; the people being authorised and enabled by public proclamation, two years before, to have arms.

From my inquiries, and from a knowledge of the previous history of the country, the explanation of the gun being found in the well, was simply this. Until the pacification of the Province, about forty years

ago, the Beebees of Cannanore and the ancestors of Lord Anunden, neighbouring chiefs, were constantly at war. As regularly almost as the season came, inroads and forays were made into each other's lands, always accompanied, and generally led, by the head servants (Karistens,) Nyr and Mapilla, on each side. The gun in question is just the kind of ordnance, that would be the *pièce de réserve* used in these onslaughts; and a deep well, in a ground at Eerikoor belonging to a Mapilla leader, the very place in which it would be deposited for security, whether after success, and certainly after disaster.

Parce, on his arrival at Tellicherry, a two days' journey from his home and family, was taken with the Cooly, to the Cutcherry before the Joint Magistrate, to whom he delivered my note. The Magistrate desired him, through an interpreter, to speak the truth, and asked, where was the other gun? He assured the Magistrate that only one had been found, and offered to give any security to be named, in attestation of the truth of what he stated. Without anything more passing on the occasion, without any further proceedings being held, or any other questions asked, he was handed over to the custody of the Cutwal, who took and immediately lodged him in the town Watch-house, with strict orders to the Peons in charge, not to allow him to speak, or be spoken to, by any person whatever, not to allow the persons who should bring him food to approach him, nor to suffer him to go to a Mosque to prayers. These orders were strictly obeyed; in this abode, this nightly receptacle for the reputed thieves and sweepings of the streets, and in this state, he was kept three days and three nights. At length, on the fourth day, the Cutwal inquired what was to be done with his prisoner, and how much longer he was to be so confined. On this, Parce was ordered to be brought up. This day, some of his friends had prepared, and brought for presentation to the Joint Magistrate, a Petition stating his advanced age and infirm health, and praying that he might be released on bail. On seeing this Petition, the Sheristidar, or Head Native Officer of the Cutcherry, came up and declined to receive and present it: the Petition, he said, was unnecessary, Parce should be released on his producing bail for his appearance. One of his friends stepped forward, and became bound in a penalty of 100 Rupees, that Parce should attend *daily* at the Cutcherry (the outside of it) from nine in the morning, until five or six in the evening. Bail, at the same time, and of the same kind, was offered, *by Petition*, for the Cooly, who had been taken into custody with, and accompanied him to Tellicherry, but was positively refused;

and this man was continued to be kept in close confinement in the Magistrate's Cutcherry itself.

A few days after Parea's visit to me, I was surprised to see three of the Eerikoor parish elders (Mookistens, *the fourth absconded*) arrive at my house, all also in the custody of Peons, and all on their way to Telli-cherry. These men are not in any respect Government Officers; they are the respectable chosen elders, or Church Wardens, of their several parishes, who discharge gratuitously, and at a yearly great sacrifice of time and personal trouble, many local duties and inquiries essential to the purposes of Government, and the good order and well-being of their community; and whose very least reward for these great, *though noiseless*, services, ought to be, all the return they ask, some show of respect and consideration evinced to their persons and character, by the *paid* Officers of the Government.

The Mookistens, on seeing, appealed to me, and earnestly besought me what to do: they declared, they had only seen and heard of one gun being found in Parea's well; that they had so reported and stated at the time at the County, but it was now said that there were two guns, and it was insisted upon by the Peons, who had them in custody, that they were to say so too at Tellicherry. On hearing this, one of the Peons present turned round, and abused them grossly before my face, called them all liars, and threatened them with the consequences, if they persisted in their denial on their arrival at Tellicherry.

I endeavoured to pacify them as well as I could, told them not to heed any threats, but to proceed quietly, and if what they had before stated was the truth, to repeat it before the Joint Magistrate, without fear of being punished, or found fault with.

They proceeded, and were delivered at the Cutcherry. After attending there daily for eight or nine days, without being once called up, or questioned, or examined, living all the while at Parea's expense, one afternoon they were suddenly given in charge of a Peon, together with the Cooly who had, until that hour, been kept in confinement in the Cutcherry, with orders to the Peon, that he was to proceed without stopping, and deliver them all, and a letter of which he was the bearer, that night to the County Peshkar who, with other County Officers, had arrived at Eerikoor, in pursuance of fresh instructions to resume a strict search for the missing gun.

The season when this occurred was the height of the rains. At dusk the same evening, the party reached the neighbourhood of my house,

thoroughly drenched. Arrived there, the Parish Elders refused to go a step further that night; there remained about sixteen miles of bad road, through an unfrequented Jungle; they had had no food since the morning, while the Cooly had twice dropped down on the way in a fainting fit. The Peon insisted on his positive orders; a violent hubbub arose, and they all came to me. I, of course, directed them all to be provided with food and lodging for the night, and gave the Peon a note to exonerate him from blame for the delay.

The next morning they continued their journey, and the species of investigation and inquiry for the gun, which followed on their arrival at Eerikoor, before the County Officers, will be best learned from the following statement of his examination before these Officers, made by one of the persons examined, (I insert ~~one~~ only) one of the Coolies who, in the exercise of his calling of a day labourer, had been employed in clearing out the well:—

Statement of ———, of Eerikoor, made on the 5th August, 1837.

“Friday week yesterday, as I was sitting in the shop of ———, a Kavye-district Peon, and Mookisten ——— came, and took me near to the Manatah Pagoda, where were assembled the County Peshkar, the Police Gomastah, and the Mookistens. The Gomastah said to the Peon, “Take this man to a distance, and after questioning him according to custom, bring him back.” On this, the Peon took me to the river side, to a place where there was no one else, and said, “Tell the truth.” “I will,” I replied. He then asked, “How many guns were found in digging M. Parce’s well? *I hear* two were found.” I said, “I, and ———, and ———, (two persons named,) it was, who dug M. Parce’s well, we found only one gun, no more.” On this, the Peon first abused me; “You son of a b——, you son of a thief, tell the truth!” On my saying, “What I have said is the truth, why do you abuse me?” he first struck me on the back of the head, and then hit my chin up with his fist, saying, “Do you think I will let you alone, until I make you tell the truth?” I began spitting blood, and said, “If it is the Saheb’s orders, that you are thus to beat and abuse me, by way of asking questions, do so.” He then took me by the back of the neck, shoved me, and took me before the Gomastah.

I there told the Mookistens how the Peon had ill-treated me: “they said, “Tell it to the Peshkar and Gomastah;” which I did before all.

Neither of them said anything. The Gomastah, Peshkar, and Peon then took me, —, and — (two persons named) to a short distance from where the rest were, put each of us apart, examined, and took a deposition from each, which depositions they never read over to us, nor do I know whether what we said, or what we did not say, was written down. I only said what I saw. On their desiring us to sign, we signed, fearing if we said we would not, until the depositions were read over, that we should be subject to worse treatment than we had already suffered from the Sirkar Officers, whom it was vain for us to think of opposing or resisting. I was unable to speak from the pain in my jaw. I told all this when it happened to my father." (Sign d) —.

Even these examinations and the others, thus conducted, failed to produce a trace of a second gun. Parce's house was searched for the third time, as it had been searched twice before, his well, the wells of his neighbours, and the tanks, were drained and examined; the Nullahs and river banks were explored, the grounds (Parumbas) dug, and the Jungle around carefully searched; all in vain; the two-or-three pounder was nowhere to be found. The County Officers were in a great dilemma: their orders were, to send in their report to Tellicherry *with* the missing gun, orders which I had the means of knowing, they construed to mean, that they were not to send their report *without* the ordinance. But as no trace of the latter could be got, they hit, as I heard, in their fear and perplexity, upon the following expedient to save themselves:—They decided on reporting, with Lord Anunden, my first informant, sitting beside them, their belief in a second gun, that it was most probably buried in the sands of the river, which being now filled by the rains, no further search could then be made, but that another search properly conducted, when the water should subside, would doubtless bring the gun to light.

A day or two after this report was received at Tellichery, and *twenty-two days* after Parce had been taken into custody, and there detained, he was called up, and asked whether he was ready to enter into the security, which he offered to give the day he was brought in. He said, he was ready; he was thereupon desired to produce a rupee, to pay for the requisite stamp; after this preliminary, a Bond, of which the following is a translation, was drawn out, and after he had duly executed it before the Joint-Magistrate, he was told that he was now permitted to return to his family and his home. The gun, his property, was confiscated.

"Security Bond executed by M. Paree, inhabitant of Malaputtum parish, in the town of Eerikoor, and County of Kavve, to the all-powerful Company Sirkar.

"The Joint Magistrate of Malabar having summoned and examined me in consequence of its having been said that, besides the large gun in my possession, which was taken to the County (Cutcherry) I had another large gun which I meant to sell to the Coorgs, and I having declared to the Magistrate, that there was no other than one large gun, and the Magistrate having desired me to give a Bond to that effect; I hereby declare the truth as follows: There is in my possession no other large gun whatever. I have neither secreted, nor have I sold to any one, any large gun. If, therefore, any large gun be found in my possession, or be found anywhere else with my privity, at any time; if, at any time it be found that I have sold, herebefore or hereafter, any large gun to any one whatever, or given one away, or secreted one, I engage to appear and be responsible to the Sirkar (the Government) for the same. If I do not appear, I engage to pay to the Sirkar a fine of 500 Rupees; if I do not pay this fine immediately, I and my heirs, consent that it shall be levied out of any property whatsoever belonging to me. I have subscribed this Security Bond before two witnesses at Tellicherry, 22 Karkadagum 1012, (4 August, 1837)."

Such is a narrative of the treatment which this Native publicly received, such the treatment to which was subjected, before all his countrymen, this man arrived at the very verge of human life, beset with the mental and bodily infirmities of his years, of spotless character, the head of a numerous and respectable family, of age enough to be the Grandfather of the Joint Magistrate, as considered, as esteemed, as respected, in his own country and rank of life as, I must be suffered to say, the Father of this gentleman in his. Thrice is his house entered, thrice searched, and sounded, and emptied of all its contents; the privacy of his women's apartments is similarly violated; he is then summoned to the District Cutcherry, he is next taken into sudden custody, dragged away in the depth of winter, two days' journey from his home and family, and lodged like a malefactor, for three successive days and three nights, in a Watch-house, the nightly den of the thieves and vagabonds of the town, with strict orders that no human being be suffered to have access to him, or he to a house of prayer. On the fourth day he is thought of, and turned out of his prison, in the manner that an animal would be from a pen, and ordered to pass all the hours of every day in outward

attendance at the Cutcherry, under pain, if he absents himself, of being fined 100 Rupees. On the twenty-second day of this attendance, he is brought before the Joint Magistrate; and without being accused of any crime whatever, without being confronted with any accuser, without hearing a single witness, without being told one word further of the reason of (or the smallest reparation being offered, or judged necessary to be offered, to soften, to excuse, or to palliate in any way) this treatment, imprisonment, and detention, and without being furnished with any clue, to enable him to trace and expose a false accusation, and obtain redress for all that he has suffered, he is ordered to sign and execute a stamp Bond; which, being bought with his own money, the act is made to wear the appearance of being his own free, voluntary, unsolicited act, binding him *elf and his heirs* in a penalty of 500 Rupees, equal to him to 500*l.*, in case a gun be, at any time hereafter, found or traced to him. He is made to suffer this treatment, because he has been guilty of conduct, not merely guiltless, but innocent, not merely innocent but blameless, not merely blameless but, in the highest degree, kind, considerate, charitable, and praiseworthy; because two months before, during a visitation of Providence, so cruel and desolating as a fervid drought in the Torrid Zone, he ventured to resume the clearing out of a well, on what is miscalled, his property, in order to get a supply of water to allay the pressing wants of his family and his neighbours; because he did this, *after* the commotion in Canara had been suppressed, and because, in the progress of the work, a two or three pounder gun was found buried in the mud of this well. The treatment which the day labourers he employed received, for following their calling, and gaining their bread by the sweat of their brow, was, that one of the number was, with him, taken into custody, and marched a prisoner to Tellicherry, where bail for this man was refused, and he was kept in close confinement, in the Cutcherry itself, for many days, (his mother supported by his labour starving,) until his state was such that, on the day of his release, he fainted twice in a walk of twelve miles; the other men are abused and assaulted by the Native Officers deputed to examine them, because they persisted in saying, as at first, that they found only one gun in the well, and knew nothing of any other. The public treatment which the Mookistens, the respectable, chosen Elders of their community, received, because their eyes saw, and their ears heard of, only one gun, and could not out of this one make two, was, first to be banded to the County Cutcherry, then like criminals

to Tellicherry, the prisoners of Peons, who insulted and abused them all the way; to be kept there from their homes and concerns for several days, and sent back unquestioned and, as they came, prisoners.

Such was the treatment which all these persons met with at the hands of the Revenue and Police Officers; for as the Joint Magistrate is also Sub-Collector in his districts, so all his Native subordinates are both Tax-gatherers and Police Officers: such the outrages, indignities, and contumelies, all these innocent, blameless, men were subjected to in their persons and individual liberty, without hesitation, without pause, without comment; and this, immediately after a season of unexampled public agitation; the whole affair being treated and regarded as a common, ordinary, occurrence, an every-day matter, dealt with and disposed of according to the usual practice and routine of Magisterial office.

* The Joint Magistrate, I have no doubt, is naturally as kind, well intentioned, and considerately disposed, as any Officer in the Service; and such is the system in which many of the modern statesmen and law-givers of Madras are, from the first, schooled and familiarized, that I am persuaded no one would feel greater surprise than himself, at any part of these proceedings being considered open to question or objection, as deserving of blame for harshness, wantonness, arbitrariness, irreflection, or caprice; no one more convinced than himself, that every part of them was regular, formal, authorized, and customary, within the strict bounds of the powers which as Sub-Collector and Magistrate, he conceives to be undeniably vested in him, over the acts, the persons, the liberty, and the property of every Native whomsoever, of whatever rank, degree, or condition, in his Sub-Collectorate; or in his Province, whenever interest or seniority shall raise him to be the Principal Collector and Magistrate of a Province, containing a million and more of men. Not a doubt, nor a misgiving, nor a suspicion, I am sure, crossed his mind in the course of these proceedings, of the lesson that was being authoritatively taught by them, to be practised by all his Native subordinate Officers, whenever promotion and removal to higher grades shall give them an opportunity of "bettering the instruction;" and if unhappily, on the present occasion, the people had given vent to the indignation with which they burned, if, wrought into momentary fury it seems, the whole power, the whole authority, and the whole influence of the alien Government ruling over them, employed and engaged, for days, in labouring to make the conduct provably

true, innocent, and exemplary, of an old, infirm, helpless man, appear falsified and treasonably criminal, in order to overtake this man with condign punishment, and to cast a suspicion of disaffection *generally* upon the whole of them as a body; if, seeing this, the people had risen tumultuously, and headlong burst the bars of his ignominious prison, the Magistrate would, instantly and unhesitatingly, have called for troops, and British troops would have come, and would have exterminated them, while no other eye than the eye of Heaven saw and marked, that they had been driven to desperation by treatment, which it will be elsewhere inconceivable that men should be men, and bear.

“ F. C. BROWN.

London, June, 1838.

111

POSTSCRIPT.

THERE are, settled at Mauritius, two foreigners, the joint proprietors of an estate which now yields them a clear income of 10,000*l.* a-year. This estate, bought with the fruits of their honourable and successful industry during their residence on the island, is a model estate, where planters and persons go who desire to see an example of skill, science, economy, and good management applied to the growth of the sugar-cane, and the improved manufacture of sugar. The annual expenditure upon this estate cannot be less than 40,000*l.*, nor the indirect contributions to the revenue short of at least 5000*l.*

Both these foreigners read, write, and speak French correctly; they are welcome guests at every English and French house, respected visitors at the Government House. One of them has rendered important public service. Reader, English reader, desire you to know who these estimable men are? who these two foreigners are, increasing so greatly the prosperity of their adopted country, and adding so praiseworthy to the general wealth of the British Empire. Learn then, that they are both of them Natives of the Presidency of Ma lras, the one of the Northern Circars, the other of Tanjore! The latter will tell you, as he tells all who ask his history, that he is a man of high caste, and was born to competent hereditary landed property in his own Province; but that the continued exactions and oppressions of the Collector drove him forth a wanderer on the earth, abandoning family, kindred, friends, country, property, every good held

dear by man. Reader, you have heard, and you will constantly hear, that British India contains 100 millions of men; these 100 would, at the present hour, be 200 millions, for it is a thinly peopled country compared to its extent, and its population only requires food to double in 25 or 30 years. Think you that, with only 100 millions of men, having preserved to them the same property in the land of their fathers as these two, their exiled countrymen, have acquired under the fostering spirit of British laws in the rock of Mauritius, India would be poorer than she now is—that her revenues (*the land tax having fallen off from 16 millions to 10*) would be less than they now are, or her commercial value to Great Britain more fractional comparatively than it is? Think you, if these 100 millions knew and felt, every hour of their lives, that they had a hearth and a home of their own to defend, they would be slow, led on by British landholders and capitalists, in defending such possessions against all enemies, whether foreign or domestic? Would you not, *knowing* that they enjoyed these blessings, laugh to scorn all the attempts that Russia, with her thousand secret emissaries, or any other rival or enemy whatever, European or Asiatic, open or concealed, could make to debauch their allegiance, and convert them into covert traitors against the British Government?

Do you wish to see the contrast? Do you desire truly to know what the sum of blessings really is which the Natives of India have granted to them to possess, to enjoy, and to defend? Discard and despise the volumes of pompous, self-laudatory generalities by which, perhaps without design, but certainly without example, the confidence of a great and generous people has been duped and deluded, and its patience tasked in a degree never before witnessed. It is not from 16,000 studiously penned folios, from any governing class, it is by descending to record particulars, patiently noted and learned on the spot from direct communication with the people, that the operation of a

Government upon their happiness and well-being is to be truly known and gathered. Insist henceforth upon having, and upon hearing periodically, from independent, unbiassed witnesses, and from every region of India, full, minute, and authentic particulars of a system, which leaves no person and no thing throughout the country uninterfered with, or untouched—which makes a King, and fixes the hire of every artisan and day-labourer, prescribing that he shall receive so much, in reward of his day's toil, and no more; which, in fact, sees in him, from the hour he first draws, until the moment he resigns, his breath, nothing but a creature made to pay revenue, to be grateful that he lives, and—to be silent.

Every word of the previous pages, addressed to the Court of Directors, was sent to the press before the receipt of the late intelligence from India, which has made known to all, that Russian spies and emissaries have been traced, tampering successfully with Native powers, both on the frontiers and in the heart of the British territories, and that the whole population desire nothing so ardently as their success.

It is no longer a choice, it becomes a duty, to throw every possible light, even at the risk of prolixity, upon the causes of this universal hatred and dislike to the Government, which are now *felt* to exist among the Natives—causes spurned and despised in India, and unsuspected in England; and to show why it is, that a countless and submissive population are all believed by their local rulers, to turn a greedy ear to every hope that is whispered to them from afar, not of regaining self-dominion, for of that desire they are not suspected, but of seeing a change from their present to any other foreign masters.

The following letters, as will be seen, were never designed for publication; the first, meant solely to serve, gave umbrage, I fear, in a quarter which demands and deserves at my hands every service, public or private, in my power to render. The particulars it details, however, are such that they cannot now be withheld, whatever their shape or their words.

TO ——— Esq., SUP-COLLECTOR.

Anjurakandy, 27th June, 1837.

MY DEAR — — ,

I mentioned to you the case of some Teers (Cultivators) who had taken the lease of a morass in Cottayum (a County), for the purpose of draining, clearing, and cultivating it; but who were arrested and stopped in the middle of their labours by the assèssment which the revenue Officers fixed upon the land. As the case requires to be fully known, I will give you the particulars of it at length.

The following is a translation of the lease, which was granted to these persons by the proprietor of the land, one of the Rajahs of Cottayum :—“ This is the lease of a swamp
“ executed by the Cottayum Ponerye Rajah, in favour of
“ Teers, Paddavadec Kannen, and Oochumel Tolen Cootty,
“ of Ponerye. The river having now for many years over-
“ flowed, and the jungle overgrown, two Paddy fields called
“ Oochumel and Ottakandum, belonging to my South Pa-
“ lace, in the Padnakara Deshum (Parish), and of the
“ yearly rent of 200 Dungays of Paddy, I have hereby
“ granted to you, in consideration of these fields being waste
“ and salt-water swamps, a lease of them for ten years, rent
“ free.—(Here follow the boundaries.) At the expiration
“ of ten years, when the jungle has been rooted out, and
“ the fields brought into cultivation, you are every year to
“ bring to, and measure at, the Erroovetty Palace 200
“ Varum Madda Dungays of Paddy, as the rent of the
“ same. If this Deed (royal writing) is mortgaged to any
“ person whatsoever, the act shall be null and void. Dated
“ 3 Kannee, 1007 (18th September, 1831).”

On obtaining this lease (for which the only consideration paid were 6 fanams (2s. 6d.) as the writer's fee), the tenants immediately set about the first and most indispensable work, that of constructing a dam along the bank of the river bordering the swamp, of sufficient width and solidity to exclude the salt water at spring-tides, and to bear the pressure of the Monsoon floods. This work, and that of rooting out the dense matted jungle, with which the swamp was overgrown, both laborious and, to persons in their circumstances, most expensive tasks, occupied them the whole of that year, 1007, and the one following. In 1009 (1833), the fields were sown for the first time. In Meenom (March 1834) of that year, long after the crop was reaped and off the ground, and when nothing remained on it but the stubble, a Talook (county) Officer came and looked at the fields, and assessed them for that year in a *money* revenue of 70 rupees. The rent which the tenants contracted to pay, at the expiration of 10 years, an exemption which could alone have tempted them, or any other men in their senses, to undertake the reclaiming of a morass was, as we have seen, a rent *in kind* of 200 V. Dangays of Paddy, equivalent to 180 Macleod, or Government, seers, which at the average price of 30 rupees per mil seers, would be rupees 5 . 1 . 60. The Government demand, therefore, amounted to more than 13 times the reserved rent for one year, and to upwards of one third more than the whole reserved rent for 10 years ! But the stipulated rent represents, as of all Paddy fields, one-third of the *gross* produce ; so that the tenants were called upon to pay an assessment of upwards of four times the entire *gross* produce of their fields, supposing the fields had been redeemed and brought into perfect cultivation, a task not to be completed under several years.

It being clearly impossible for them to pay such a tax, they appealed to the Tahsildar (the head county Officer of revenue and police). The Tahsildar came and reduced the tax from 70 rupees to 28½, as low, perhaps, as he thought

he could prudently or expediently reduce it. But this reduction, great as it appears to be, still left the *money* assessment *immediately* demandable, five times more than the money value of the reserved rent. The result is, that from that time, the Teers have abandoned their fields, the dam, which cost them so much money and expence, is washed away, the salt-water floods the spot at one season, the rains at another, and it again is, what it was, a pestilent morass.

This interference of the Government between a private landlord and his tenants has, therefore, been productive of nothing but pure, unalloyed mischief to all parties concerned; and as the evil is of a more serious, profound, and extensive nature than may at first sight be apparent, you will pardon me, I am sure, for pointing it out plainly and in some detail.

In the first place, there can be no doubt that the immediate effect of the proceeding has been, to rob the tenants of all their outlay, in draining and clearing the swamp, and in bringing it into a state fit for cultivation—an outlay which, in one instance, was procured on the security of other property, and the repayment of which will probably consign the borrower to a jail. As the act was the act of the Officers of Government, it is taken to be that of the Government itself; and the impression, therefore, of the sufferers and of all around them is, that they have been robbed by the Government of the fruits of their labour, their time, and their money, on an occasion when they felt entitled to its approbation, at least, if not to its rewards.

Were the spoiler a private individual, they know they would have a chance of remedy, and might hope for redress; but as it is the Government, and as the case is a (*land*) *Revenue case*, it is withdrawn from the protection of all law. But, superadded to the privation of all legal redress, and superadded to the wrong they suffer, is the feeling to which they are sensibly alive, whatever they may be able to say, that

the hand which has been stretched out to despoil them is the hand which, above all others, should be ever extended for their efficient protection and encouragement in all the pursuits of honest, lawful, praise-worthy industry.

In the second place, the shock given to industry and the security of property, has been as extensive as the circumstances have been known. "What possible good can it do the Sirkar (Government)?" said a Nyr to me, when I was on the spot, surrounded by a number of Natives, and listening to what they had to say—"What possible good can it do to the Sirkar, to prevent me from turning these marshes, where there are now only thorns and alligators, into Paddy fields? In a few years the Varum (rent) upon them would be due, in four years more the Ponnery Rajah (the landlord) would have received his due, and been able to pay Niggdee (assessment), while the Koodians (tenants) and their families would have been provided now and hereafter with food and employment;—now, no one gets, or can get, anything: all is loss, all the labour, time, and expence incurred, and who, after the treatment of the Teers, will venture again to incur them?"

The countenances of the by-standers, and a waste of swamp on either side where we stood, were sufficient answers to the question. Had no interference of the kind been suffered, had the private engagement of these parties, from which nothing but good could accrue, been scrupulously respected, I am satisfied that the whole expanse of morass would, ere now, have been one scene of cultivation.

The reverse of all this, this interference has annihilated the certain and immediate revenue which would be paid by the Rajah, when he began to receive his rent; it has, in effect, blotted out from the map of the country the spot that had been reclaimed, and others similar to it that are reclaimable, constituting some of the most valuable land in the country, when brought under the plough: it has sacrificed the much greater revenue, which would certainly

and permanently be derived, from suffering these baneful seats of disease and death to be converted into sources of health and plenty ; and it has engendered in the breasts of the labouring population, that class the most valuable and the most helpless of all, a deep impression, that no sooner is their industry exerted, and all their scanty means bestowed, blamelessly and beneficently, in providing a maintenance for their families, and in adding to the general wealth of the country, than the Government steps in, and bids them cease, and starve.

In the third place, it is not to be disguised that the conduct of the Government goes to the length of declaring all leases between landlords and tenants to be null and void, and of establishing it, *as a principle*, which the Revenue Officers are ordered to enforce, that *private property in the land* is not recognised to exist, *quasi* the Government. For, for the Government to tell the tenants of a landlord, that they shall not cultivate the land he has given them on a lease of years, unless, as a preliminary, they pay an assessment amounting to more than four times its gross produce, is telling them that they shall not cultivate the land at all ; that their lease is a farce ; that the landlord has, in fact, no right nor title to dispose of his land as *he* thinks proper ; and that if the Government shall will it to lie waste, lie waste it shall. It is impossible, therefore, for the landlord not to feel that he has been stripped by the strong arm of power of all property in these Paddy fields ; and that he has been stripped at a time, when he particularly merited to be maintained in all the security of possession. To both the Government and the public he had done his duty as a proprietor ; he had procured good tenants to cultivate and reclaim what was before a waste ; he had passed a written obligation, forbearing from all demand upon them, until their outlay was reimbursed ; and he had probably made liberal advances (of which he is likewise a loser) to enable them to proceed effectually with their task. The Govern-

ment, on the contrary, which fixes and demands such an assessment years before he can receive a ree of rent, has not supplied the land, nor procured the tenants, nor advanced the outlay, nor run the risk of failure. In a work of great and essential public benefit, the Government has not only not had the smallest share, but the part which it takes is, to blight all the good that has been done, all that would directly, indirectly, and immeasurably flow from the work, by stripping the landlord of his land!

The nature of the land, whether wet or dry, Paddy field or Parumba (garden), waste or cultivated, can in no degree affect the equity of this act. Every landlord in the country feels the case to be his own. The principle which is applied to this property to-day may be applied to all others to-morrow; and seeing that the very opposite of any increase of Revenue must be *really* contemplated by it, satisfied that the Government does not act deliberately and systematically, except upon a settled design, the landlords can arrive at no other conclusion than that their existence is felt as a crime; that they are, in fact, a proscribed race, whose extinction is doomed by the slow and gradual acquisition of all their lands. In truth, no law of mortmain was ever more certain or more fatal. It may be very well for Mr. —, who never *bought nor cultivated* an acre of land in his life, and for twenty-four gentlemen echoing his opinions amid the smoke of Leadenhall-street, to declare that, as nothing *more (more!!)* than the rent of the land is demanded from the Natives of India, they are, in reality, *untaxed*. If you had bought 10,000 Rupees worth of Company's paper, upon the faith of receiving 5 per cent. interest upon it, and if the Civil Auditor had the power of taking every year the whole of this interest, under the name of "Assessment," Mr. —, or those twenty four gentlemen, would have great difficulty in persuading you that you were *wholly untaxed*; and in preventing you from feeling, that you were robbed of 10,000 Rupees' worth of

your honest acquisitions. If, again, you preferred *land* as an investment to the Honourable Company's paper, and after laying out your money on a farm, the rent of which you expected would yield you 5 per cent. if a Collector came and walked over your farm, and without knowing wheat from barley when he sees them together, thinks it sufficient to look at the stubble, in order to decide upon the returns of your land, and your ability to pay taxes; if, after this, he were politely to ask you for *no more* than this interest, that is, for *all the rent* of your farm, as your tax, your incredulity, as to your paying *no tax* at all would, I imagine, remain unshaken. But if the same functionary were to ask you for four times the gross produce, as your annual contribution, were to declare this demand to be no more than fair and reasonable, and were to assure you, in the same breath, of his perfect "good intentions," if you made any reply, you would probably say, "such good intentions would make Paradise a H—ll!" Now, in this Province (Malabar), there is a numerous body of men who, until about forty or fifty years ago, upon the sanctity of venerable laws, upon the faith of most ancient titles, from long uninterrupted descent, and upon innumerable transfers and purchases of land, enjoyed the whole rent of their estates without any deduction whatsoever.* As land then sold for

* The pretence and the justification for all this interference with the landlords of the country, is grounded upon certain previous official reports and surveys, the authority of which no local functionary dares question, even if he had the inclination during his fitting sojourn and tenure of office; or if his understood orders were not to exact revenue, and to ask no questions.

The following extract from a Diary is some illustration of the value of those authoritative documents, and a sample of the manner in which the most notorious, the best attested, and the most ancient of the rights of the people of India over their own soil have, from first to last, been invariably written and reported away by persons who, being debarred from themselves holding private property, seem to be quite incapable of apprehending what the right to it is, when acquired and possessed by the people.

thirty and thirty-five years' purchase, much as it now does in England, this rent, in the great majority of instances, was not more than a return of three or four per cent upon the price actually paid for the land. Since the period above mentioned, the right of these landlords to a *portion*, howsoever varying, of the rent, has never been *openly* denied; it has never been stated, *in express terms*,* that they were

Tellicherry, 24th June, 1834.

"I had a long visit of some hours yesterday evening from K. Karnagam Menon. Talking of surveys, I told him the people of Malabar had to thank him for all the surveys which have taken place. He asked, how? I said, that both Sir T. Munro and Mr. —, with whom he was Sheristedar (head Native), had stated in their reports, I concluded upon his authority, that it was the immemorial custom, in the time of the Rajahs, to re-survey and assess all lands, garden and field, every *twelve years*; and hence, it was now believed by the Government that, following this practice was, in truth, adhering to the ancient custom of the country. He became much excited, and asked me if it was possible I could believe him capable of such *gross* misrepresentation; he who knew, as did every man in the country, that, in the time of the Rajahs, there was *no* such thing as land-tax at all? He declared, that what he stated to those gentlemen was, that, at the expiration of leases for *waste land*, which were usually granted for twelve years, it was the custom to fix the *rent* the landlord was to receive (after first paying the tenant for his products); that, as to *re-surveying Paddy (rice) fields*, the thing is an absurdity in terms; because, as soon as a field is brought into thorough cultivation, the produce is reaped, threshed, and divided into three lines, "*varion*," or shares; one of which is assigned for the expences of cultivation; the second for seed and the farmer's profit; and the third, to the landlord as rent; and this being a *corn*, not a *money* rent, the quantity is *immutable*. He added, "Thus it is; Gentlemen do not understand the customs of the country, and not knowing what they are asking about, mistake what is said to them in reply; they then make a *report*, consisting of these mistakes, which the people know nothing about, and never hear of, while the Government believes it all to be true, and treats and taxes them accordingly."

There is the speaker, whose words I have given, to be referred to for their correctness; one of the first Natives in the country, and most deservedly pensioned for his services to the Government.

F. C. B.

* Except by the Court of Directors.

entitled to no portion whatsoever; or, in other words, they have never been told in plain English, that their existence is an incumbrance on the earth, that they are a nuisance which ought to be abated.

Such language they hold to be quite superfluous, when public measures are permitted, which carry irresistible conviction to their feelings :

“ You take my life,
“ When you do take the means whereby I live.”

Whenever, as in this instance, the assessment exceeds the gross produce, whenever it equals that produce, whenever it exceeds the rent, whenever it absorbs no more than the rent, whenever it absorbs so much of the rent as not to leave the landlord wherewithal to exist; in short, whenever, in the language of the country, the Niggdee (Assessment) is more, or no more, or a fraction less, than the Patum (Rent), the Jenmee (Landlord) is told, far more intelligibly than in words, that he is left to starve.

Would it be wise, would it be politic, were the increase of Revenue to be as great and immediate as it is certain of being less, to sink such a conviction deep in the minds of the landlords of the country; that similar may be their fate, at the nod of any Revenue Officer? They are men, that are thus dealt with, not stocks, nor stones; I admit, patient, enduring, peaceable, well-disposed, men; but as long as they are men, the authorized existence, the delegation, and the exercise of a power, which may make them the victims of such acts of caprice and folly, as the one I have instanced, must impress them with a deep-rooted and settled distrust and dislike of the Government.

I have heard of one instance, but can scarcely credit it,* in which a Revenue Officer prohibited a landlord from cultivating a piece of his own waste land, unless he gave the

* Fact.

preliminary security of his other property to pay the assessment fixed on the waste, in case the returns of the waste should fall short of the assessment !

Fourthly, in all communities, be they more civilized or less, men feel that they have a right, as a condition of their very being, to enter into agreements for their mutual benefit ; they feel, even the most untutored feel, that their individual benefit cannot be productive of public injury ; and hence they feel, with a force greater than any demonstration, that it is among the first and most essential duties of the Government they live under, to respect all lawful agreements, and to uphold their inviolability. Moreover, in any community purely agricultural, all men (in Malabar almost all women also) are either directly interested in the land, as proprietors, or cultivators, or indirectly, as creditors and mortgagees ; and hence, the last class of persons, who may be said to include all those not comprehended in the other two classes, feel intuitively and as keenly as the latter, that it is the duty of a Government strictly to protect the right of all men to private property, and to encourage its acquisition by every security, with which law and authority can fence it. Whenever, therefore, a Government departs, or what in the result is the same thing, whenever a Government is felt, whomsoever the agent, to depart in its conduct from the rigid performance of these, its cardinal duties ; whenever, out of its boundless authority, it interposes to break, and not to maintain, the lawful contracts of individuals, whenever it confiscates and annihilates, and not preserves, the property of any one class of the community, as surely as wrong begets wrong, and injustice hate, so surely does such conduct call up in hostile array against it the feelings of every man whatever, without distinction of rank, caste, or sect, subject to its sway. So indissolubly has the Great and Good Being, who made man the brother of his fellow-man, knit his sympathies with his kind, by the tie of a common, inseparable interest !

Such is the conviction to which we are brought, step by step, by an examination of the case I have instanced; the more calmly and dispassionately it is considered, the more strong and deep-felt will, I think, that conviction be, namely, that this conduct must produce an universal feeling of fear and hatred to the Government, among all classes of the community. I have instanced only one case; the same landlord, the P. Rajah has been stripped of his land, and his tenants of their outlay, in two other cases of lease, similar to the foregoing, except in the amount of the rent. In one of the two, the rent to be paid by the tenant, at the end of ten years, was to be 100⁰Varum Madda Dangays, equal to 83 Macleod (Government) Seers, of the average value in money of R. 2. 1. 96.

The field was assessed by the Talook (County) Officers at the same time, and in the same manner, as the former, at R. 27 per annum, which was afterwards reduced to R. 14, and which being about six times the rent, the field, like the former, was obliged to be abandoned. The particulars of the third case I have not got.

All these cases occurred at Ponnerye, an Amshum (Parish) only three miles distant from Tellicherry, long the seat of a principal Revenue Cutcherry, and of several high European Functionaries. They occurred now three years ago. Of the sufferers, one is a Rajah, a man of the highest rank in the country; and yet you would never have heard a word of one of them, unless I had brought them to your notice. Had they been solitary instances of their kind, had they been the first which had occurred, had the people's minds not become familiarized with them, it is hardly possible but that some of the aggrieved parties would have found their way immediately to your Cutcherry (Office).

The people of Malabar, it is commonly said, are ever ready with petitions and complaints. I will tell you, in their own words, why one of the parties, the Teers, did not complain. "Where was the use of our petitioning?" said

they. "The petition would have been sent in the common course, to the Talook (County), for inquiry and report. It was the Talook Officers who set aside our leases; of whom, and of whose two assessments, we complained. They would have said, in reply, that our assessment had been reduced from R. 70, the first imposition, to $28\frac{1}{2}$, less than one half; that instead of being grateful, we complained of *even this moderate demand*, which plainly showed that we were troublesome, disputatious persons; that the fields were under cultivation, and well able to pay Niggdee (Assessment). The Saheb (Collector) must trust, in such matters, to his Karistens (Native Officers); and whose story would be believed, theirs, with this appearance of truth and moderation, and the Cutcherry servants to back it, or ours, which we might not render properly intelligible? And if we had been ordered to pay the Assessment they might, in return, have demanded it from our *other* property."

That such would be the reply, returned by the Talook (County) to the reference, is obvious, and that it would appear, *primâ facie*, so satisfactory as to disarm suspicion, and establish the groundlessness of the complaint, can scarcely be doubted. Nevertheless, I am not disposed to impute blame to the Talook Officers. From intercourse with Native Servants, in general, I am satisfied that the Talook (County) Officers felt persuaded they were doing no more than a duty, especially prescribed to them, as the business of the surveys and assessments they are dispersed over the country annually to make. To prevent his vigilance from slumbering, a second follows the steps of a first, to detect his omissions and expose his errors. They have often told me, what they cannot tell you, that it is no fault of theirs, if they are sent to survey fields, when nothing but the stubble remains on the ground, or to rate a tree by looking at the leaves; they will candidly confess, that they were not bred on a farm, but from boyhood, in a Court or Cutcherry, that they have no experience in land, of its

modes of culture, products, returns, accidents; but that being ordered to assess it, as if they had, they obey; and they will freely say, that being Sirkar (Government) Servants, anxious for advancement and emolument, and knowing that under-assessment is always held to be criminal, while over-assessment is usually extenuated into over-zeal and honesty of purpose, they make a point of leaning in every case to the Sirkar (Government), leaving the aggrieved to seek redress, where reduction is not open to suspicion.

All these things are talked of among themselves openly and unreservedly. But, in addition to the etiquette preserved with you, there is another reason why you are not likely to hear aught *against* surveys and Jummabundies (annual assessments) from them; and that is, because it has become a proverbial expression that "*Surveys are the best trade going.*" Everything, therefore, and every person around you, combine to keep you in the dark, while the Government has interposed its will, in order scrupulously to bar the only avenue by which the truth could possibly reach you. If the Rajah, as the proprietor of this land, as the inheritor, or the purchaser, it matters not which, of the fee-simple, had an undoubted right to execute the leases he granted to his tenants, (and it will hardly be denied in terms, under any Government English even only in name, that he had not this right,) it would follow in a Government of law, in any Government that did not place him, and all men with wrongs like him, out of the pale of the law, that he would have his remedy, prompt and effectual, provided by the law, not only for his leases having been treated as waste paper, and his property confiscated; but, soundly, the law would award exemplary damages for the eviction of his tenants, and the non-culture of his land for five years, and this, upon the palpable, self-evident ground of the injury which, through him, *the public* had received. His tenants would, in like manner, and for a like reason, obtain immediate restitution and ample indemnity for their losses.

Hence, on the very first instance that occurred, you would have had public knowledge of it, you would have had the satisfaction of aiding its investigation, and you would have laid down to rest with the consoling reflection, that no instance of similar tyranny could recur in the districts (counties) under your charge, even were all the public servants banded against you, without the certainty of detection, of punishment, and of redress. It is not you who would be loaded with an odious and impracticable responsibility—that of trusting numerous men with the power to oppress, and that of tracing and exposing every instance of oppression.

How different is the present state of things, how calculated to awaken a crowd of startling reflections! It is at the lapse of years, and privately from me, a solitary individual—a foreigner, like yourself, in the country—one of a race till lately proscribed, that you receive, rather by accident than design, the first intimation of these acts of tyranny; the sufferers despairing or fearing to raise their voices in complaint, because their case is a *Revenue case*, because, for that express reason, the public Justice of the country is peremptorily interdicted from even listening to them, and because their oppressors armed, as they know full well, with *Police* as well as *Revenue Powers*, are the witnesses against them, and the Judges! When we speak of a law, we mean no more than a proclaimed general rule, administered by Officers, representing the Government, and placed above all temptation—who are sworn to apply the rule, without bias or favour, in determining whether any act or conduct complained of has wronged an individual, and through him the community at large, either in his property or person; if so, to redress the wrong, and to punish the wrong-doer. For this class of wrongs, and all its ramifications affecting every man in South India, arising out of the appropriation and usurpation of the land of the people for the behoof of the Government, there is no law, there

are no Courts, no Judges ; and this, for the avowed reason, lest the public Revenue should be endangered !

Public revenue, which must ever be measured by the sum of private revenue, or, in other words, of private property—private property which knows no measure, no limit, so long as it is vested with security, which security it can alone derive from the law. Property, therefore, is the child of law, or rather, as a great man has said—" Law and property are born together, and will die together; previous to law, no property"—take away the law, and there is an end to property."

I know no subject more replete with painful, humiliating reflections than to think, that the authors of a state policy, which bade the law be dead in cases of land Revenue, are the idols whom all men are called upon to bow down and worship. What elsewhere would be indelible opprobrium, is here fame ! The every-day phrase of, "*things will last my time*," which has become incorporated into the language of India, is the true and faithful, but unintentional, index to the general cast of thought, engendered by this wise and humane policy, and of the ever-present feeling of instability and insecurity to which it gives birth in the minds of those who administer it. Apply the same principle to money—to Company's paper—which is only one species of property, its nature comes immediately home, and one turns revolted away at the abuse of power, at the abuse of reason, which would make the public rapine of money the parent of public revenue.

I have entered gravely and seriously into an examination and exposure of this case, but not more gravely or more seriously than I think it deserves. What specially determined me to this course,—what, in fact, has made it imperative,—were conversations I had, after the Camara affairs, with two of the oldest retired Native servants. These men have no individual grievance, are men of rank and consideration, and cannot be suspected of dissimulation; but the late extreme, most lamentable, and unfortunate

panic, which was propagated from one end of the country to the other, had ruffled and broken the usual calm of the surface—it was an occasion, when even cautious men speak out; and the subdued feelings rose and found vent in a bitterness of tone and remark, which flashed conviction to me, as to what was passing in the minds of the upper classes of Natives, and formed the leading subject of conversation among them. I am no alarmist; but most true is it, that I have reflected, from that time, upon my own situation here with a doubt and solicitude I was before a stranger to. What, indeed, more natural, than that the Natives should feel, and at a fitting time say to me: “You were seated and settled amongst us; *You*, at least, were no flitting bird of passage, nor chance sojourner; *you* have not the plea of ignorance, which *they* may offer, to palliate oppression; for *you* not to reveal, was to sanction it.” The house I am now writing from, was once burned to the ground, and my Father and Mother turned penniless on the world, by men who were stirred to vengeance by a similar conviction—truth and the public records can declare how erroneous! It is in me, therefore, a duty to state my conscientious belief, that there prevails throughout all classes a deep, intolerable feeling of hatred and disgust, at the insecurity of property, and the destruction of all confidence and all enjoyment, produced by these annual surveys and assessments; and a yearning to be rid of them, that would turn to almost any quarter for relief. Pause upon this one instance: a Revenue Officer and Surveyor demanded 100 Rs. as the price of not raising the Annual revenue of an Amshum (Parish); the money was collected and paid to him; after which the Jumma (yearly demand) comes back from the Talook (County), raised by him 80 Rs. ! After this, think for a moment what might be the consequences, if the People were only brought to believe, that five or ten thousand Arabs, or Russians, or Turks, any nation *they* think a match for our European Troops, had landed, and would

- to deliver them from Revenue Surveyors! Nor let it be forgotten, that their credulity is in proportion to their ignorance.

The wit of man can devise but one mode of putting an end to iniquities like these; that is, by fixing the demand upon the land for twenty-five years, and by enacting, that so long as this demand is discharged, any Revenue Officer interfering with the proprietor, in any manner whatsoever, shall be sent on the roads for fourteen years. There are but two springs that can animate and invigorate human industry; the certainty of enjoying the present, and of benefitting by the future. Dry not up these springs, for with them withers every germ of attachment to the Government. Restore security, and revive hope, the balm of life, wherever life there is, and the people of Malabar will ever show themselves to be as industrious, as enterprising, as submissive to the laws, and as attached to the Government, as any people subject to its sway.

I have addressed you, because you are on the spot, and I had mentioned some of the particulars of this letter, but pray communicate it to ———*

I am, yours, &c.,

F. C. BROWN.

* This letter, addressed privately to the Sub-Collector, relates only three cases of rice-fields, the undoubted property of a private landlord, which were abandoned by the cultivating tenants, in consequence of the exorbitant money assessment fixed upon, and demanded for, these fields by the Government Surveyors and Assessors, who are also the Government Revenue and Police Officers, in immediate authority over the cultivators,—demanded eight years before the landlord was entitled to receive a rupee of rent.

I instanced only these three cases, my object and my wish being merely to lead to enquiry, and, if possible, to redress.

But, besides these three, there were in this one parish alone, fourteen other fields, all also the private property of individuals,—all, like them,

TO THE HEAD ASSISTANT-COLLECTOR OF MALABAR,
TELLICHERRY.

Anjuranthy, 6 July, 1832.

Sir,

I HAVE the honour herewith to transmit an answer to your Malayalim letter (the Native language) of the 28th ult., requiring to know the quantity of Tobacco consumed

in progress of being cleared, reclaimed, and cultivated, all of which were also obliged to be given up and deserted by the tenants for the very same cause. I particularly asked the head of the parish (Potail) and the Accountant, whether there had been anything underhand in the granting or taking of the leases, whether there had been any attempt at fraud or concealment on the part of the tenants. These authorities declared there had been nothing of the kind; that, so far from anything clandestine being thought of, the tenants gave due notice that they had obtained cultivating leases, in conformity to the *immemorial practice of the country*, and in the usual form, and were going to reclaim the lands leased to them.

The date of the letter is June 1837. On the 2d or 3d of December, two or three days before I sailed from Tellicherry, as I was passing the Sub-Collector's Cutcherry, the Head of the Parish and the Accountant ran out to speak to me. They said that they themselves, *and the principal and most influential persons of the Parish* had all been sent for, and were now at the Cutcherry, where they had received positive orders from the Head Sheristadar (chief Native Officer) to make the refractory cultivators, whose cases I had related, *and who were also brought in and were detained*, to make these men consent and submit in writing to pay the Government Assessment fixed upon their fields; rather than pay which, when first demanded, the cultivators had borne the loss of all their outlay, and had abandoned their fields for four whole years. There is a favourite Madras Revenue phrase called, "*Sanquishing the Ryots.*" Is the meaning of the phrase desired? This is the real, uniform, practical, meaning of it; using means like these to force the Natives, by the instrumentality generally of head Native Officers, to cultivate the land, upon any terms whatsoever that are dictated to them by those Govern-

monthly in these five Parishes. I have stated that this quantity fluctuates from three to five Chippums (the name of the package in which the Govt. Tobacco is retailed) according to the season of the year; and the explanation of this fluctuation is so completely illustrative of the condition of the lower classes of people, who are the great consumers of Tobacco, that I beg you will permit me to say a few words upon it, in *English*.

The falling off in the consumption from five to three Chippums, or two-fifths of the whole quantity, takes place during the months of Meedhoonum, Karkadagum, and Chingum (June, July and August); during which months there is no demand for labour, for there remains *nothing* to pay it with, and a stop is put by the annual rains to the inland carrying trade, which, in the absence of every species of carriage or beast of burthen, necessarily employs a great number of men. In Kannee (September) the first crop of rice comes in; other crops follow, Ponum (hill rice), Modum (dry grains), Moondone (December rice), Pepper; the carrying trade is resumed, and the consumption of Tobacco increases, until the return of Meedhoonum, when the same falling off takes place as before.

ment Officers, not allowing them even to abandon it, and making, first, their property (if they have any), next their persons, answerable for the entire demand; nay, I have known their children to be taken up and confined for it, and I have known this act to be *fruitlessly* represented and complained of. There was, I much fear, on the present occasion, another lesson to be taught to these Natives, and to all others around them; the lesson of the good they would get, by pretending to go to a European not in the service, and complaining to him, because he would listen and could understand them, of the losses, grievances, and oppressions they suffered from the public Officers: in whose hands, it is their own universal conviction that the union of all Revenue and of all Police authority over them is expressly designed and maintained, for the sole purpose of stifling their complaints, or if they should venture to make a complaint, of providing the means whereby their hardihood shall sooner or later be punished, the crime being one that is never forgotten nor forgiven.

must have irretrievably ruined any Native placed in the same situation. From the first, I had simply requested that the lands, chargeable with the demand, might be pointed out. This never was, and never could be, done; and the demand was finally relinquished in 1836. But in 1835, in reiterating this request, I took occasion to show to the Government, inviting an examination of the proofs, that the collection of one lac (100,000) of Rupees of revenue in the five Parishes, which had cost the Government nothing, had cost me 10,000 Rupees; the greater part of which sum consisted of the land-revenue balances of the inhabitants, which I had made good, from an intimate knowledge of their utter inability to pay the demand against them.

F. C. B.

The quantity of Tobacco which a labouring man, if he can buy it, consumes a day is one-quarter of a piec, or half a forthing's, worth; and it is an undoubted fact that for three months of the year, he is without the means of purchasing even this quantity of what to him is, not a luxury, but a necessary of life; for if he would starve without rice, he *cannot work* without Tobacco. I repeat, that he cannot earn this money, or the money's worth. Such, after forty years of nearly uninterrupted peace, is the accumulation of capital, or, in other words, the fund for employing productive labour in this country.

Far be it from me to breathe a syllable of disparagement of the *good intentions* of the Government towards the people. But the truth must be told, and optimists awakened from their day-dreams: that truth is, that wherever such a state of things as I have described habitually prevails, it is as plain as demonstration, that the condition of the great body of the people cannot be progressive.

I have the honour to be,

&c. &c.

F. C. BROWN

The official requisition on the subject of Tobacco was addressed to me, as the person through whom the public revenue of the five Parishes is collected and paid in. This revenue has been so collected and paid for the last forty years, and every local public duty discharged, without one Rupee of expence to the Government. The Government had, for twelve years, annually revived and kept suspended over me, together with the years, a demand for land tax charged in the public Accounts, not against my lands, but generally against the five Parishes: the amount of which



00143217



